

# Human Security in Refugee Movements: The Case of Southern Africa

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**Doctoral Dissertation**

**Human Security in Refugee Movements: The Case of Southern Africa**  
(難民の移動におけるヒューマンセキュリティー南部アフリカの事例ー)

**Cremildo Arlindo Sendela de Abreu**

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# HUMAN SECURITY IN REFUGEE MOVEMENTS: THE CASE OF SOUTHERN AFRICA

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## ABREVIATIONS

CIMERDE	Comissão Episcopal para Migrantes, Refugiados e Deslocados
CCR	Consulting Commission for Refugees
CEP	Centro de Estudos de Politicas
CHS	Commission on Human Security
DRC	Democratic Republic of Congo
EU	European Union
FRELIMO	Frente de Libertacao de Moçambique
GNA	Global Needs Assessment
GDP	Gross Domestic Product
HDI	Human Development Index
HDR	Human Development Report
ICISS	International Commission on Intervention and State Sovereignty
IDP	Internally Displaced Persons
INAR	National Institute for Assistance of Refugees
LOG	Logarithm
NGO	Non-Governmental Organization

OAU	Organization of African Union
PPP	Purchasing Power Parity
R2P	Responsibility to Protect
RENAMO	Resistencia Nacional Moçambicana
RPF	Rwanda Patriotic Front
RSD	Refugee Status Determination
SADC	Southern African Development Community
UNAMIR	United Nations Assistance Mission for Rwanda
UNDP	United Nations Development Programme
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
WFP	World Food Programme

## GLOSSARY OF TERMS

**Asylum:** The grant, by a State, of protection on its territory to persons from another State who are fleeing persecution or serious danger. Asylum encompasses a variety of elements, including *non-refoulement*, permission to remain on the territory of the asylum country, and humane standards of treatment.

**Asylum Seeker:** An asylum-seeker is an individual who is seeking international protection. In countries with individualized procedures, an asylum-seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum-seeker will ultimately be recognized as a refugee, but every refugee is initially an asylum-seeker

**Convention Relating to the Status of Refugees:** A Convention that establishes the most widely applicable framework for the protection of refugees. The Convention was adopted in July 1951 and entered into force in April 1954. Article 1 of the 1951 Convention limits its scope to “events occurring before 1 January 1951”. This restriction is removed by the 1967 Protocol relating to the Status of Refugees. As of 1 July 2005, there are 145 States who are parties to the 1951 Convention and/or the 1967 Protocol

**Empowerment:** A process/phenomenon that allows people to take greater control over the decisions, assets, policies, processes and institutions that affect their lives.

**Entitlement:** The set of alternative commodity bundles that a person can command in a society using the totality of rights and opportunities that he or she faces.

**Host Communities:** Communities that host large populations of refugees or internally displaced persons, typically in camps or integrated into households directly.

**Human Development Index (HDI):** A measure of a country or region's progress in terms of life expectancy, level of education and adjusted real income.

**Irregular Movement of Refugees:** The phenomenon of refugees or asylum-seekers moving illegally from a first country of asylum, in order to seek asylum or permanent settlement in another country.

**Migrants (Economic):** Persons who leave their countries of origin purely for economic reasons not in any way related to the refugee definition, or in order to seek material improvements in their livelihood. Economic migrants do not fall within the criteria for refugee status and are therefore not entitled to benefit from international protection as refugees.

**Non-Refoulement:** A core principle of international refugee law that prohibits States from returning refugees in any manner whatsoever to countries or territories in which their lives or freedom may be threatened. The principle of *non-refoulement* is a part of customary international law and is therefore binding on all States, whether or not they are parties to the 1951 Convention.

**OAU (Organization of African Unity) Convention Governing the Specific Aspects of Refugee Problems in Africa:** The regional complement to the 1951 Convention whose refugee definition is broader than that provided in the 1951 Convention. Adopted in 1969, the OAU Convention provides that “the term ‘refugee’ applies to those fleeing from external aggression,

occupation, foreign domination or events seriously disturbing public order in either part or whole of the country of origin”. The OAU is now called the African Union.

**Otherwise close (case):** A decision in RSD whereby an application for asylum is close in the following situations: (1) the applicant does not attend the RSD interview and is deemed to have abandoned the refugee claim; (2) the applicant withdraw the application for RSD; (3) the applicant does not appeal for a RSD decision or if the appeal is rejected; (4) the applicant is deceased or has been legally naturalized; (5) conditions of administrative procedures.

**Persecution:** The core concept of persecution was deliberately not defined in the 1951 Convention, suggesting that the drafters intended it to be interpreted in a sufficiently flexible manner so as to encompass ever-changing forms of persecution. It is understood to comprise human rights abuses or other serious harm, often, but not always, with a systematic or repetitive element.

**Refugee:** Person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

**Refugee Status Determination Procedures:** Legal and administrative procedures undertaken by UNHCR and/or States to determine whether an individual should be recognized as a refugee in accordance with national and international law.

**Reservations:** A formal note or declaration made by a state when becoming a party to an international treaty, clarifying the manner in which the state will interpret a particular provision of the treaty, or indicating that the state will not be bound by a particular provision. Some treaties expressly indicate that certain provisions *may not* be subject to reservations, and it is also generally accepted that no reservation is permitted if it defeats the object and purpose of the treaty.

## **DEDICATION**

Arlindo Abreu and Ana Sengo

(dad and mom)

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## SUMMARY

### 1. Background

People have been moving all over the world since the early stages of human history. The reasons behind people's movements are diverse depending on a wide range of factors in the place of origin and destination. In several occasions people flee persecution in their home countries and seek safety in other countries, therefore becoming refugees. According to the UNHCR Global Trend Report (2012), by the end of 2011, there were 42.5 million forcibly displaced people worldwide. Of these, 15.2 million were refugees and 10.4 were under the responsibility of the UNHCR. Developing countries hosted 8.4 million refugees, or four-fifths of the global refugee population. The 48 Least Developed Countries in the world provided refuge to 2.3 million asylum seekers. Refugees are people who seek better conditions of human security in a different location, which is by far away from their point of origin. This includes security in terms of access to health services, food, education, income and physical safety. However, the process through which they choose to move to the desired country of asylum will produce a significant impact on their human security problems, and it varies from region to region, whether in developed or developing countries.

Currently in Africa, the number of refugees is still alarming as many flee local violent conflicts or political persecution. Schultheis (1989), argued that the rise of environmental problems such as drought and the persistency of famine have also produced a considerable number of refugees. In 2011, Africa hosted 2.7 million refugees and the Southern African region became an attractive destination for refugees. Furthermore, in the same year (2011), South Africa was the world's largest recipient of individual applications for asylum. With refugee movements, come the risks to human security that affects the lives of refugees on the move and in the hosting country.

## **2. Purpose and research questions**

This research aims to examine the movement of refugees and its relationship to human security with a focus on Southern Africa. Even though in general figures, developed countries are more popular destinations for asylum than developing countries, the detailed analysis on applications for asylum shows evidence that some of the poorest countries in the world, such as Mozambique and Burundi, are popular choices for asylum seekers, regardless of the lack of appropriate conditions to address refugee issues. The main questions guiding the research are, firstly, what are the factors that determine the movements of refugees and asylum seekers towards destinations where their human security conditions can be aggravated? Secondly, what factors influence the human security conditions of refugees in the country of asylum? The hypothesis is that the poorer countries in the Southern Africa region are being used as sanctuaries on a long way towards a final destination, which is the nation of South Africa. Attached to the material condition to provide for the needs of refugees is the perception of refugees as threats or victims, which will dictate the outcome in the efforts addressing the human security issues of refugees. In order to provide a comparative perspective, between developing and developed regions this study analyzes the patterns and trends of refugee movements in both developed and developing regions.

## **3. Previous research**

Most of the research on refugee movements has been devoted to the analysis of patterns and trends in the developed regions of Europe, North America and the Pacific (mainly Australia and New Zealand). Less work has been done on the analysis of refugees' or asylum seekers' movements in developing countries, such as those located in the Southern African region. Neumayer (2004) examines the relative attractiveness of West European countries as a

destination for asylum seekers, where by the conclusion that was drawn is that richer destination countries receive higher per capita share of asylum seekers. Similar conclusion had been previously reached by Bocker and Havinga (1998) and later confirmed by Zimmermann (2009), all focusing on developed regions.<sup>1</sup> What is the situation in developing regions? Are the patterns and trends of refugee movements in developed countries the same as in developing countries? The migration theories and arguments that explain the refugee movements in developed countries can be applied to understand the situation in Southern Africa? However, Bakewell (2009) concluded that there is no reason to expect that the determinants of South-South (in Africa) and other forms of migration differ in any fundamental ways. Logically, this conclusion is inconsistent because the author considers conflict-induced migration and voluntary migrations as having the same driver or influencing factors for migration. The author ignored the fact pointed out by the HDR in 2009, which acknowledges that the movement of people often coincides with adverse outcome when it occurs under conditions of restricted choice, such as the case of conflict-induced migration.

So far there are no studies, which particularly analyzes the situation of asylum claims in Southern Africa based on the process of Refugee Status Determination (RSD) with a focus on “otherwise closed” cases as an essential indicator in the analysis of pattern and trends of refugee movements. Furthermore, there are no studies, which attempt to understand the asylum situation in Southern Africa as a developing region in comparison to developed regions such as those in Europe and North America. This research goes beyond this limitation and attempts to provide an overview of the situation in developed and developing countries through a comparative analysis. Considering the special nature of refugee movements, this study is pioneer in using the Refugee

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<sup>1</sup> Bocker and Havinga (1998) studied the patterns and trends of asylum seeker movements in the European Union. Zimmerman (2009) focused her study in whole Europe, centered in the United Kingdom.

Status Determination data to understand the distinct patterns of refugee movements in Southern Africa. Almost all studies on RSD have been developed on a comparative basis focusing on legal status of the process, the procedures, the nature of interviews, the decision making apparatus and practice including the rights of claimants.<sup>2</sup> A few researches have gone further into analyzing the factors behind the volume of decisions, based on whether they are rejected or recognized, but mostly focusing on policy outline as the main influencing factor.<sup>3</sup> Edwards` (2006) research on Refugee Status Determination in Africa corresponded with other authors on the same perspective. They analyzed the legal structure of international law and regional laws on refugees and the ways it would affect the individual interpretation from African nations in order to grant or not the refugee status. Therefore, almost all studies on the Refugee Status Determination are solely concentrating on firstly, recognized and rejected claims for asylum and secondly, the influence of international and domestic policies on the Refugee Status Determination of asylum seekers. This study suggests 2 new approaches to analyze the process of Refugee Status Determination. The first strategy focuses on the “otherwise closed” cases as a significant decision on asylum claims and the second proposes the analysis of Refugee Status Determination not only through a policy or legal approach, but by going farther into considering RSD decisions as indicators or explanatory variables for the patterns of refugee movements in Southern Africa.

#### **4. Research significance**

Refugees all over the world are categorized as a vulnerable group of people forced to move to another country where they face limited access to basic needs and services such as health, food, education, shelter and physical security. In some cases the situations are extremely severe that it leads to fatal results. Over the years, the numbers of refugees have been increasing and it is

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<sup>2</sup> See the studies of Avery, 1983; Durieux, 1984.

<sup>3</sup> See for example Bossin, 1999 and Rousseau *et al* 2002.

urgent to intervene and mitigate the threats affecting refugees. This research helps provide a deepened knowledge of factors affecting refugee movements towards their countries of asylum and the living conditions that refugees are thrust into in the asylum countries. It provides an insight that can be used to improve the policies and actions that attempts to efficiently address refugee issues. Furthermore, human security and refugees are strongly interconnected elements because, first, refugees are produced by human security crises, and second, refugees are vulnerable and they suffer from human security threats. Moreover, research on refugees and human Security are very scarce that this examination will contribute significantly to the discourse on the relationship between the recognized vulnerable group, refugees, and Human Security. It provides approaches, theories and practical results in the study of refugees and Human Security. The significance of this research can be perceived in three dimensions: (1) with regards to those who are considered refugees, since the information provided here may encourage the host countries to improve the living conditions of refugees; (2) for receiving countries, because this research provides insights that might help Governments to efficiently prepare policies and execute action to address refugee issues and reduce the potential negative impacts; (3) finally, as an addition to the emerging research on human security on account of the study's illustration of the links between the concepts of human security and refugees, therefore providing bridges to understand and study both elements as an integrated factor.

## **5. Methodology**

The research was carried out using a combination of qualitative and quantitative methodology. It began with a review of documents and bibliographies in libraries, documenting centres of various institutions and organizations, and also from the Internet. The aim was to obtain relevant information that could enhance the analysis of the problems related to refugees within the Human Security framework. The underlying perception behind those reviews was the acquisition

of theoretical and conceptual bases that could comprehend clearly the relationship between refugees and Human security. On the second phase, fieldwork was carried out in the Maratane Refugee Center in Mozambique. Various research techniques were combined, which included a documental analysis of the refugee records, semi-structured/exploratory interviews and last but not the least, non-participant observations and discussions with focus groups. The semi-structured interviews were conducted mainly with key informants in the Maratane Refugee Center and surrounding communities, the Ministry of Interior, Comissão Episcopal para Migrantes, Refugiados e Deslocados (CIMERDE), National Institute for Assistance of Refugees (INAR), University Eduardo Mondlane and the UNHCR Office of Mozambique. The focus group discussions took place in the Maratane Refugee Center and it involved agents from the police bureau, refugees and members of the surrounding communities. In order to get a real impression of facts and a true picture of the lives of refugees, their living conditions and their interaction with the host community, the non-participant observation was carried out in the Maratane Refugee Center. The observation provided an insight into the habits and life styles of the refugees on a daily basis. It helped unveil their problems and constraints with regards to their basic needs and fundamental services such as sanitation, shelter and food. The last phase of the study focused on the analysis and interpretation of the whole data, which led to the conclusions presented in the Seventh Chapter of this dissertation. Figure I, is a clear illustration of the whole research process from grasping the problems right through to the investigation and finally to the conclusions, which will be discussed later.

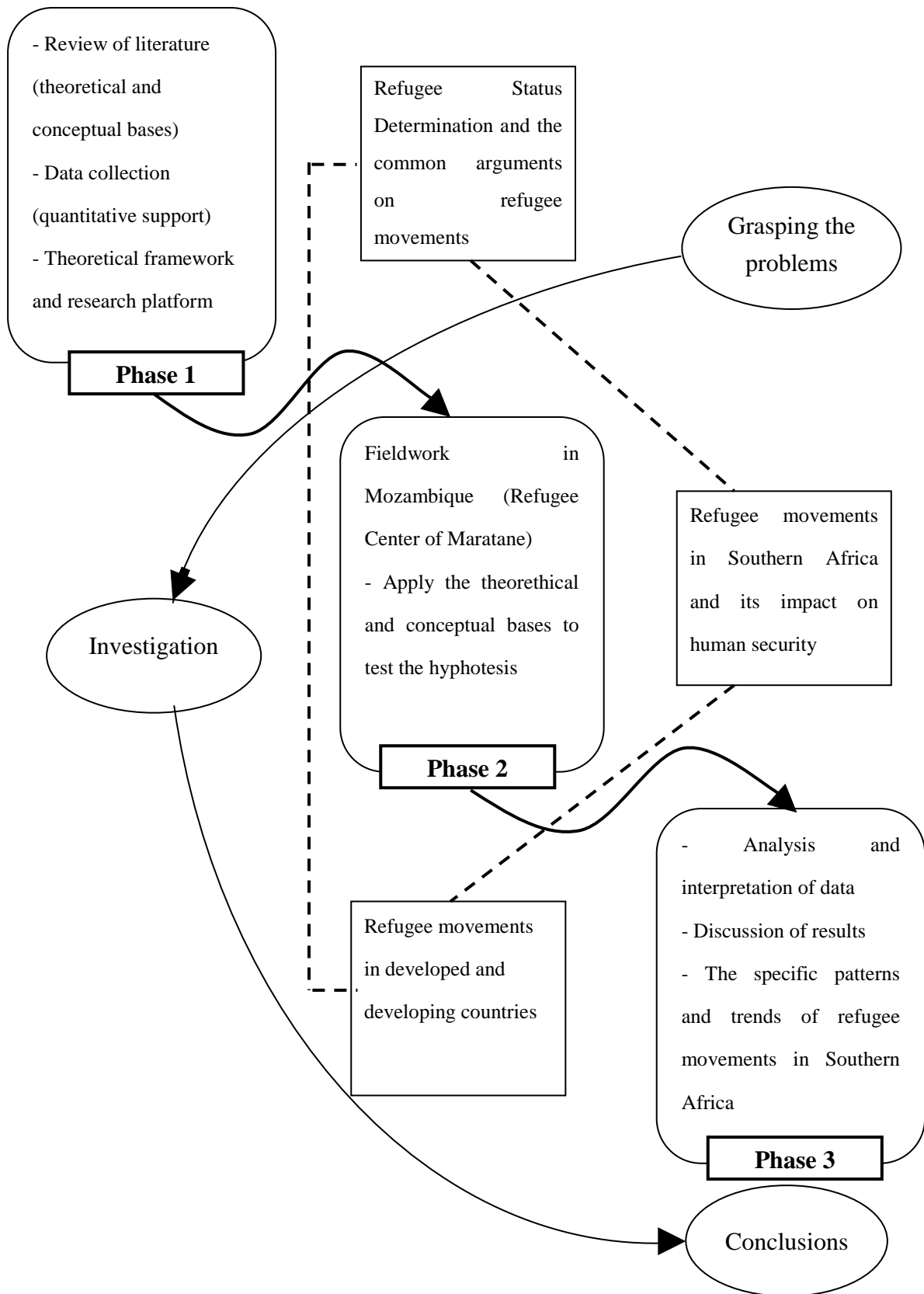


Figure I: Research flow diagram



Starting from the analysis of the overall figures for refugee movements worldwide, the study identifies the popular destination countries for refugees in developed and developing regions.

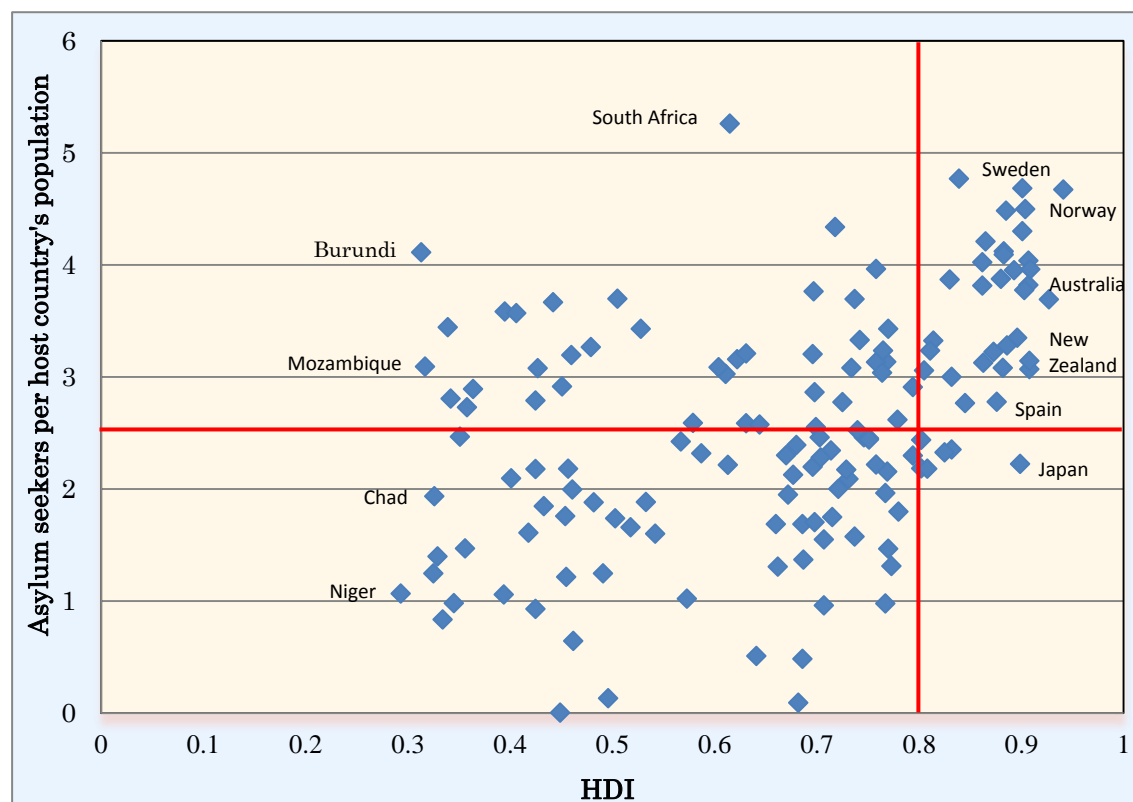


Figure II: Asylum applications in developed and developing countries, 2010

The vertical axis represents the number of asylum seekers in log scale for a given country as a fraction of the total population of that country as dictated by the equation below.

$$\text{Log}_{10} (\text{Asylum Seekers} \div (\text{Population} \times 10^{-7}))$$

Hence, it recognizes that the maximum refugee intake capacity for a given country is dependent on its own population, assuming that the country's population is the sustaining force for refugees even though part of the expenses is from donations by international organizations. The numerator of the fraction represents the number of applications for asylum during the year 2010 and the denominator is the total population of a given country in ten millions. In other words, the fraction is the total stock of asylum seekers per 10 million of the population. However, when

these fractions were plotted on a single coordinate plane, those values varied greatly from tens to ten thousands, therefore, they are illustrated in  $\text{Log}_{10}$  values. Moreover, in order to divide the countries considered to be more or less popular for asylum according to the number of asylum applications, the median of the asylum seekers was calculated at 2.5, and the partition line  $y=2.5$  was drawn. The measure of Human Development Index (HDI) is used as an indicator for separating developed from developing countries.

The study points out that some of the least developed countries in the world, such as Mozambique which is located in the region of Southern Africa, are very popular destinations for asylum seekers. However, the lack of basic needs and services in developing countries further deteriorates the living conditions of refugees leading to fatal results. In 2011, from January to March only, more than 40 refugees died from hunger and disease related causes in Mozambique.<sup>4</sup> On the contrary, some highly developed countries, like Japan, are less popular when compared to a considerable number of developing countries. At this point, it is relevant to assess, the factors that determine the movements of refugees and asylum seekers towards destinations where their human security conditions are aggravated. Through approaches related to geographical distance, Refugee Status Determination, and socio-economic factors, this study presents a detailed analysis of refugee movements, illustrating the patterns and trends from 2001 to 2010.

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<sup>4</sup> Data extracted from the *Report on the Field Mission regarding to the situation of refugees and asylum seekers from Somalia and Ethiopia in Mozambique* prepared by the Liga Moçambicana dos Direitos Humanos in 2011.

## **6. Introduction to important findings of each chapter**

This dissertation consists of a total of 7 Chapters. Chapter 1 starts with a general introduction to the dissertation and provides an overview of refugee movements in the past and present times. Furthermore, it presents structures under which all the research was carried out. It contains the objectives, scope, methodologies, significance, hypothesis and constraint of the study. Chapter 2 describes the relationship between refugees and human security. It explains how refugees are located at the center of human security. This chapter points out that human security issues of refugees will be more or less aggravated according to their location, whether in developed or developing regions. Nevertheless, in both scenarios, the perceptions of refugees as threats or victims are fundamental pillars to understanding their human insecurity issues in relation to the concept of vulnerability. This perception might be a root cause that constrains the efforts to address the threats to human security of refugees, as well as durable solutions and empowerment of refugees. Chapter 3 provides a picture of refugee movements in developed and developing countries. It analyzes the actual location of refugees and their intended or desired country for asylum through an overview of the main arguments in refugee movements. The results found in this chapter indicate that in the group of developing countries the patterns of refugee movements will vary according to their region of origin, whether it is in Africa, Europe, Asia or the Americas. Within the African continent, 61% of the asylum seekers move to a neighboring country on the same level of development (poor countries with an HDI value between 0.2-0.5) while in other regions less than 5% of the asylum seekers move to neighboring countries. For example in 2010, the most popular destination country for asylum seekers from Sri Lanka was France which received 37% of all asylum application from Sri Lankans. The majority of asylum seekers from more developed regions of Europe and Asia move to a non-neighboring and more developed country. Asylum seekers' patterns of movements in Europe, Asia and the Americas suggests that economic factors is the main variable in the country of destination, since the majority of asylum

seekers from these regions moves to a highly developed country with a different official language. In these cases, economic migrants are mixed with genuine refugees creating a situation, which overwhelms the process for Refugee Status Determination with negative impacts for both genuine and "bogus" asylum seekers. Chapter 4 is focused on Africa in general, which provides an overview of refugee movements in the African continent with an emphasis on policies and regional legal frameworks for the protection of refugees. The discussions center upon the Great Lakes` refugee crisis as an event which provides a clear perspective regarding to the influence of refugees on national and regional security. This chapter demonstrates how refugees in Africa can act as a “double-edged sword” whereby, on one side they can represent a group of vulnerable people to which the African nations in solidarity will try to provide immediate help but on the other hand, they also embody the threat that jeopardize the country of origin and the country of asylum. In this situation, receiving countries will be more vigilant and strict with regards to accepting and allowing the refugees freedom inside their territories. Chapter 5 particularizes upon the refugee movements in the Southern African region. It studies the pattern and trends of refugee movements in Southern African countries such as Mozambique, Zimbabwe, Botswana, Namibia and South Africa. It analyzes the Refugee Status Determination in order to oversee the real situation of refugees in Southern Africa.

Table I: Decisions on RSD (Mozambique, Zimbabwe, Botswana, Namibia and South Africa, 2004 – 2010)

Country	Recognized (%)	Rejected (%)	Otherwise closed (%)
Mozambique	34.0	13.7	52.3
Zimbabwe	28.8	0.5	70.7
Botswana	49.0	2.3	48.7
Namibia	32.5	5.3	62.2
South Africa	13.3	86.5	0.2

The elevated numbers of “otherwise closed” cases in Mozambique, Zimbabwe, Botswana and Namibia indicates that a significant number of refugees abandon those countries through illegal procedures. On the contrary, South Africa shows the lowest number of “otherwise closed”, which indicates that the refugee outflow rate from the country is comparatively very low. The countries with a high proportion of otherwise closed cases are not the intended final destination for asylum. They act as a transit zone towards South Africa. Chapter 6 presents a case study of refugees in Mozambique as a “magnifying glass” for a better understanding of refugee movements in the region and the impacts on human security. This chapter reinforces and supports the finding of Chapter 5. It argues that the Refugee Status Determination group categorized as “otherwise closed” cases, can provide an important indicator in identifying countries that are being used as a temporary shelter along the road to a final destination. Furthermore, this chapter concludes that the Mozambican legal framework for refugee protection is conceived and operated in such a way that it hinders the freedom and rights of refugees creating a restrictive environment that thwart the movements and actions of refugees in the country. This is mainly attributed to the complex bureaucracy and unclear mechanisms, which is

fabricated to address refugee issues. Chapter 7 provides the conclusion of the study by summarizing the main findings. It presents an overall view of the study based upon the topics discussed in each chapter and its final deduction is synopsized in the next section.

## **7. Conclusion**

This study illustrates that human security is attached to refugee issues because it is transversal factor in all the threats to the lives of refugees on the move or in the country of asylum. Nevertheless, the perception of refugees, whether as threats or victims, dictates the outcome of the efforts addressing refugee issues. Even though, countries are bound through international law to protect refugees, in most of developed countries higher numbers of refugees are denied asylum and bigger efforts are placed in ineffective burden sharing schemes to perpetuate the permanence of refugees in developing countries.

Within the African continent, the majority of asylum seekers move to a neighboring country on the same level of development while in the other regions of Asia, Europe and the Americas, the asylum seekers move to distant country with very high HDI. The pattern of movements of asylum seekers in Europe, Asia and the Americas suggests that economic factor is the main variable pulling and pushing the asylum seekers from poorer countries to richer countries, since the majority of asylum seekers from these regions move to a highly developed country with a different official language. The majority of these people seeking asylum are “bogos” refugees and the movement to distant countries is a call for alert to these situations.

The study shows that ‘otherwise closed’ cases, as one of the categories in the refugee status determination process, provides an important indicator in identifying countries that are being used as a temporary shelter along the road to a final destination. In the case of Southern African

region, refugees prefer to migrate to countries such as Mozambique, Zimbabwe, Botswana and Namibia because these countries provide a “safer sanctuary” and opportunities for better life in neighboring country such as South Africa. This situation produces a negative impact in the efforts to address human security issues of refugees because the policies and action plans cannot produce the expected results due to the irregular movements of refugees.

## **CHAPTER 1 – INTRODUCTION**

Throughout human history there are several episodes and stories of people being forcibly displaced due to a variety of reasons. These events date back centuries ago. For example, the rise of the Roman Empire in BC; the Saxon Wars in AD 999; the World Wars I and II. Natural disasters also played an important role in the movement of people. The Eruption of Mount Vesuvius in AD 79 and the severe droughts of Eastern and Southern Africa which studies report to have happened 70000 years ago are some of natural conditions that induce the forced migration of thousands of people from one place to another.<sup>1</sup>

Even now, people are being forcibly displaced all over the world and the main causes behind their movements are still the same: Violent conflicts and natural or environmental problems. However, the difference is that the number of forcibly displaced people is believed to be higher now, then before. People fleeing their homes in sudden situation are exposed to a wide range of security threats to their lives. This includes food security, health security, physical security, economic security and other essential conditions to their survival. Refugees are people seeking better conditions of human security in a different location from their point of origin. However, the process through which they choose to move to the desired country of asylum will produce a significant impact in their human security problems. Moreover, the attitude of receiving countries towards refugees - whether they are perceived as a threat or victims – is also an important element which will determine the effectiveness of actions addressing refugee issues.

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<sup>1</sup> The study was led by Doran Behar and Saharon Rosset. It was published also as an article in Lodi-News sentinel on 24 April 2008 p.12, and in The Telegraph on 25 April 2008.



### **1.1. Objectives of the study**

Generally, this research aims to examine the movement of refugees and its relationship with human security with focus on Southern Africa, particularly Mozambique. Specifically, the objectives are the following:

- Identify patterns and trends of asylum seeker and refugee movements in Southern Africa;
- Analyse the refugee movements in Southern Africa and other parts of the world;
- Analyse regional and national responses to refugee issues;
- Analyse human security issues of refugees in Southern Africa;
- Visualize refugees' policies and its implication in human security;
- Identify alternative refugee' policies.

### **1.2. Scope of the study**

The central focus of this study is Southern Africa as recognized by the UNHCR. However, the study starts from a general situation of refugees worldwide in order to draw a picture of refugee scenarios in developed and developing regions such as southern Africa. Furthermore, this work presents a case study of Refugees in Mozambique. The quantitative data analysed in this study is mainly focused, but not limited, to the timeframe from 2001 to 2010.

### **1.3. Hypothesis and conceptual framework**

This study tackles refugee movements and human security issues with main focus on Southern Africa. Starting with an analysis of the overall figure of refugee movements in developed and developing countries it notices that some of the least developed countries in the world, such as Mozambique – which is located in the southern part of Africa - are very popular destinations for asylum seekers. On the contrary, some highly developed countries like Japan are less popular when compared to a considerable number of developing countries. In general figures, developed

countries are a more popular destination for asylum than developing countries, a detailed analysis on individual countries shows evidence that some of the poorest countries in the world such as Mozambique and Burundi are surprisingly popular choices among asylum seekers countering the widespread assumption that asylum seekers prefer to move to more developed countries considering the better conditions to address their human security needs. Furthermore, as it will be developed in Chapter 5, this particular analysis of asylum seekers in Southern Africa shows that relatively higher numbers of applications for asylum or refugee status determination (RSD), are lodged in relatively poorer countries, which contrasts with the situation in other parts of the world where higher number of asylum applications are filed in richer countries. What factors determine the movements of refugees and asylum seekers towards destinations where their human security conditions can be even more aggravated?

The study suggests that in the case of refugee movements in Southern Africa, arguments related to economic situation, proximity to the point of origin of refugees and cultural factors cannot comprehensively explain the movements of refugees in countries like Mozambique, Zimbabwe, Botswana and Namibia. The main hypothesis is that these developing countries in Southern African region are being used as a temporary shelter along the way to South Africa which is at the top of asylum seekers preference. This situation raises the topic of “genuine” and “bogus” refugees which will strongly influence the decisions on RSD. The study suggests that the decisions on RSD are fundamental in the study of refugee movements in Southern Africa. The hypothesis is that the quantitative data on “otherwise closed cases” provides an important indicator to identify countries being used as transit sites to other locations. In this case, the independent variable is the asylum application to a specific country in a specific time. The dependant variables are the decisions on RSD – rejected, recognized and otherwise closed.

Furthermore, in developing countries especially in Southern African region, refugees face significant threats in terms of human security. On one hand, there are evidences of efforts and good will from Governments and non-profit organizations attempting to mitigate the threats to the human security of refugees. However, on the other hand there have been several reports and facts exposing the aggravated living conditions that refugees find in hosting countries. At this point it is important to ask, what factors influence the human security conditions of refugees in the country of asylum? In order to understand this situation this study stresses that the human security of refugees in the country of asylum will be less or more aggravated according to the perception of refugees by the receiving country: whether as threats or victims

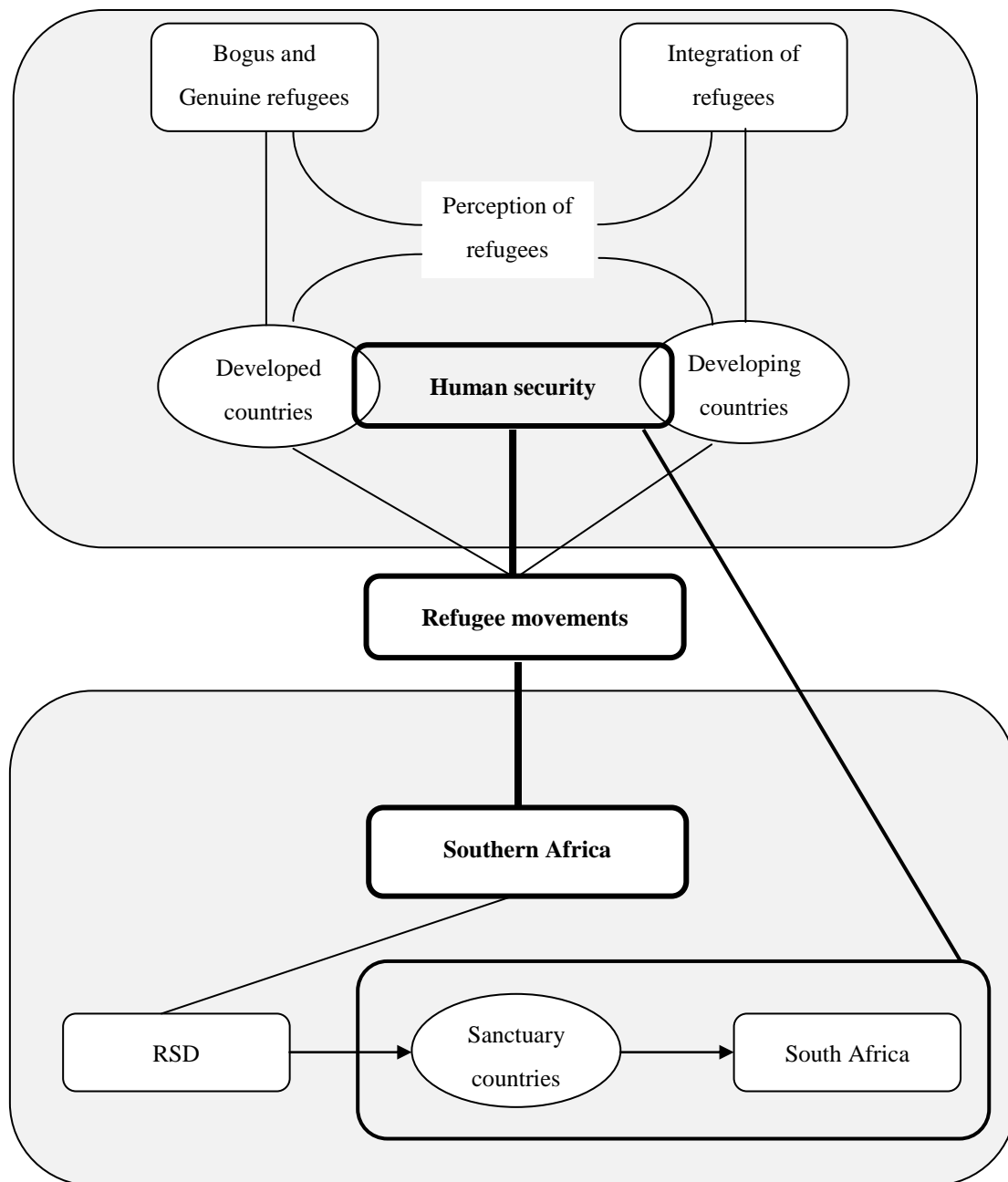


Figure 1.1: Hypothesis and conceptual framework

Figure 1.1 explains the research hypothesis focused on 3 main elements (human security; refugee movements; and Southern Africa) centering on refugee movements as the independent variable. The dominant arguments in migration studies stress that the movement occurs from poorer

countries to richer countries. Nevertheless, in both scenarios (developed and developing countries) refugees are vulnerable to threats in terms of human security. In order to efficiently address the human security needs of refugees it is important at first to change the way refugees are perceived, less as threats, and more as a vulnerable and victimized group of people in genuine need of support. This approach aligns with the reduction of rejection of asylum seekers in developed countries which is mostly supported on the distinction of bogus and genuine refugees. This approach is also positive for the efficient integration of asylum seekers in developing countries such as those in Southern Africa.

In Southern Africa, refugee movements occur in a different pattern from those of developing regions. The overall analysis suggests that the refugee movement is downwards towards the South, from richer countries to poorer countries such as Mozambique. The analysis of RSD in Southern African countries presents specific patterns and trends indicating that a significant number of refugees applying to live in Mozambique and other countries in the same area such as Zimbabwe, Botswana and Namibia, are being unaccounted for. The hypothesis is that these countries in Southern Africa are being used as a “sanctuary” along the pathways to the edge of Southern Africa, which is South Africa. This situation hinders the efforts of governments and civil society organizations in the mitigation of human security threats affecting refugees.

#### **1.4. Significance**

Refugees all over the world are vulnerable group of people forced to move to another country where, in general, they face limited access to basic need and services such as health, food, education, shelter and physical security. In some cases the situations are so extremely severe that they lead to fatal results. Over the years, the number of refugees has been increasing. It is urgent to intervene and mitigate the threats affecting refugees. This research helps to provide deepened

knowledge of factors behind refugee movements and their living conditions in the countries of asylum. Therefore, it provides insightful information that can be used to improve the policies and actions intending to address efficiently the refugee issues. Moreover, human security and refugees are strongly interconnected elements because, first, refugees are produced by human security crises, and second, refugees are vulnerable and they suffer from human security threats. However, the research on refugees and human security are scarce. In this perspective, this research will contribute significantly to the comprehension of the human security issues related to this vulnerable group. It provides approaches, theories and practical results in the study of refugees and human security. The significance of this research can be perceived in three dimensions: (1) For the refugees, because the information provided here may encourage the host countries to improve refugees' living condition; (2) For receiving countries, because this research provides insights that might help Governments to efficiently prepare policies and execute actions to address refugee issues and reduce the potential negative impacts; (3) For human security research, because the study illustrates the link between human security and refugees, therefore providing bridges to understand and study both elements as an integrated factor.

### **1.5. Limitations**

Most of the statistical data have been collected through databases of international organizations such as United Nations High Commissioner for refugees (UNHCR), World Bank and United Nations Development Programme (UNDP) which generally depends on the availability information to be provided by Governments in each country which sometimes is not completely accurate. The analysis is made considering the timeframe from 2001 to 2010. However, in some years, the total number of countries providing full data may vary due to different situations such as conflicts or newly proclaimed autonomy state. The author acknowledges that the estimates

presented here are strongly affected by methodological and comparability issues, but the results presented here indicate that the order of magnitude regarding to the trends and patterns in refugee movements is correct.

Another constraint is due to political and sensitive situation or information. Some important information in the study had to be omitted in order to protect the refugees and avoid tensions between states regarding to the treatment of refugees.

## **1.6. Contributions**

This research provides an original contribution to the literature on refugees and human security in a number of ways. So far, only a few studies have been conducted on the relationship between refugees and human security. Additionally, the interrelationship between refugee protection and human security is relatively unclear.<sup>2</sup> Chapter 2 of this study attempts to clarify the relationship between both concepts by demonstrating the existing complementary relationship between refugees and human security, attempting to fill the gap in our current understanding.

Moreover, most research analyzes refugee issues based on the seven categories of threats to human security as a “blanket” to cover refugees’ issues in the country of asylum.<sup>3</sup> This is mostly due to the fact that human security is still a new concept and it has been evolving over time.<sup>4</sup> Therefore, most studies of refugees and human security do not make enough reference to empowerment and dignity which are underlying elements in the concept of human security. Besides, their analysis of the human security issues of refugees does not move deeper into

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<sup>2</sup> See Yamamoto, 2012.

<sup>3</sup> See the studies of Hovil and Werker, 2001; McGrath, 2011.

<sup>4</sup> The seven threats to human security were first advance in the human development report of 1994 and it includes economic security; food security; health security; environmental security; personal security; political security. In the Commission for Human security (2003), the concept of Human security also focused on empowerment and dignity.

understanding the root causes on the affecting the response to human security issues. This study emphasizes the perception of refugees (as threats or victims) as an essential element influencing the response of receiving countries to refugee crisis. This research provides a more comprehensive framework for analysis of refugee issues from a human security perspective. The studies goes beyond the common solutions of provision of means as the most accepted approach to address human security constraints affecting refugees. The results here presented suggest that a change in the perception of refugees by the receiving country and international community are fundamental for effective actions addressing refugee issues.

Secondly, the starting point of this study is the identification of popular countries for asylum categorized into developed and developing countries. The studies on refugees' popular or intended destination country are scarce. The existing studies provide an important however limited figure on the countries considered more or less attractive for refugees mainly focusing on industrialized or developed countries. Less has been done in the analysis of refugees or asylum seeker movements in developing countries such as those located in Southern African region. Neumayer (2004) examines the relative attractiveness of West European countries as a destination for asylum seeker, the author concluded that richer destination countries receive higher per capita share of asylum seekers. Similar conclusion has been previously reached by Bocker and Havinga (1998) and later confirmed by Zimmermann (2009), all focusing in developed regions. What is the situation in developing regions? Are the patterns and trends of refugee movements in developed countries the same as in developing countries? The migration theories and arguments that explain the refugee movements in developed countries can be applied to understand the situation in Southern Africa? So far, to the extent of my knowledge, there are no studies which particularly analyze the situation of asylum claims in Southern Africa based on the process of Refugee Status Determination (RSD) with focus on "otherwise closed".



Furthermore, there are no studies which attempt to understand the asylum situation in Southern Africa as a developing region in comparison to developed regions such as those in Europe and America. This research goes beyond this limitation and attempts to provide an overview of the situation in developed and developing countries through a comparative analysis. One striking result found in this study illustrates that, while in higher number of asylum seekers from medium developed countries in the world lodged their applications in richer countries, higher number of asylum seekers in developing countries of Southern Africa lodged their applications in poorer countries, which is opposite to the general trend.

Finally, in order to understand the particular pattern of refugee movements in Southern Africa, it attempts to move beyond the cause-effect approach which dominates the studies of refugee movements by finding a quantitative elements that can be used as an indicator to identify countries being used as bridge to a an intended destination for asylum.

Bakewell (2009) concluded that there is no reason to expect that the determinants of South-South (in Africa) and other forms of migration differ in any fundamental ways. Furthermore, the author argues that migration in the South (Africa) is shaped by a similar set of economic, social and political factors. Indeed, Bakewell's (2009) conclusion is logical and has support in many other studies. However, it is inconsistent because the author considers conflict induced migration and voluntary migrations as having the same driver or influencing factors for migration. The author ignored the fact pointed out in the HDR of 2009 which acknowledges that the movement of people often coincides with adverse outcome when it occurs under conditions of restricted choice, such as in the case of conflict-induced migration. It is important to separate refugee movements from voluntary migration because firstly refugee is especially defined in international law, and has a worldwide accepted legal platform originating from the 1959 UN Refugee Convention,

while normal migration falls under ordinary rules of migration depending on each country. Considering the special nature of refugee movements, this study is pioneer in using the RSD data to understand the distinct patterns of refugee movements in southern Africa. Almost all studies on RSD are done on a comparative basis focusing on legal status of the process, the procedures, the nature of interviews, the decision making apparatus and practice including the rights of claimants.<sup>5</sup> A few studies have gone further into analyzing the factors behind the volume of decision whether rejected or recognized, but mostly focusing on policy outline as main influencing factor.<sup>6</sup> Edwards (2006) researched on refugee status determination in Africa, on the same perspective of other mentioned authors, Edwards (2006) analyzed the legal structure of international law and regional laws on refugees and the ways it would affect the individual interpretation from African nations in order to grant or not the refugee status. It seems that almost all studies of Refugee Status Determination are solely interested in: (1) Recognized and rejected claim for asylum; (2) The influence of international and domestic policy on refugee status determination. This study brings up 2 new approaches to analyze RSD: (1) It focuses on “otherwise closed” cases as a significant decision on asylum claims; (2) the study analyzes RSD not only through a policy or legal approach. The study goes further into considering RSD decisions as indicators or explanatory variables for the patterns of refugee movements in Southern Africa. Additionally, this research provides a new perspective in the discussions of “bogus” and “genuine” refugees based on distinct patterns of movements in developed and developing countries.

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<sup>5</sup> See the studies of Avery, 1983; Durieux, 1984.

<sup>6</sup> See for example Bossin, 1999 and Rousseau *et al* 2002.

## **1.7. Research methodology and data considerations**

The research was carried out using a combination of qualitative and quantitative methodology. This combination was chosen considering that, as explained by McNeill and Chapman (2005), while people's actions are a result of their interpretation of a situation, their interpretations and their choices may also be limited by structural factors external to them and beyond their control. This approach was fundamental to identifying and exploring the perceptions and situations of refugees in order to understand and explain the patterns of movements of refugees in Southern Africa. The mixed methodology was preferred in order to have a complementary-based analysis through a triangulation of data and validation of results.<sup>7</sup>

### **1.7.1. Research procedures**

In the first phase, documental and bibliographic research was conducted in libraries, documentation centres of various institutions and organizations, and on the internet aiming to obtain material that should contain relevant information for better analysis of the problematic related refugees and human security.<sup>8</sup> The main goal was to obtain theoretical and conceptual bases to clearly understand the relationship between refugees and human security. In order to obtain official statistics as part of secondary quantitative data and other information of relevance for this research, the main sources of information were the reports and online databases from International organizations such as UNHCR, UNDP and World Bank. Government institutions were also used as sources of information extracted from selected strategies, policies, official reports and activities aiming at addressing refugee situations. Regarding to the literature, priority

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<sup>7</sup> For more details about triangulations and mixed methods, see Jick, 1979.

<sup>8</sup> One of the main sources for literature on refugees and asylum seekers were Academic journal the publish articles with the main focus on refugees such as Journal of Refugee Studies and Refugee Survey Quarterly, both from Oxford; Canada's Journal on Refugees; International Journal of Refugee Law and Forced Migration Review

was given to the studies about refugee movement in developed and developing countries with main focus on Southern Africa.

The second phase consisted of field work that took place in Mozambique: Maratane refugee center; Nampula City and Maputo City. It combined different research techniques, which included documental analysis, semi-structured/exploratory interview, non-participant observation and discussions with focus groups. The documental analysis was conducted mainly in police stations, Governmental institutions, Non-Governmental Organizations (NGO), University Eduardo Mondlane and the UNHCR Office in order to collect some statistical data and reports about refugees in the country. This type of data is not available online and it helped to uncover correlations and links between the variables of interest for the research as well as possible cause and effect relationships referring to the asylum seekers, refugees, refugees funding, action plans for refugees and refugee problems on a domestic level.

The semi-structured interviews were conducted mainly to key informants in Maratane Refugee Camp and surrounding communities, Ministry of Interior, Comissão Episcopal para Migrantes, Refugiados e Deslocados (CIMERDE), National Institute for Assistance of Refugees (INAR), University Eduardo Mondlane and UNHCR Office -Mozambique. The interviews were prepared in order to fit specific conditions of each key informant. Therefore they were slightly different according to the informant category. The interviews were essential to get in-depth information and explore the views, experiences, beliefs and motivations of key informants regarding to: (1) the choice of country for asylum, process of travel, living conditions and expectations ( for refugees); (2) perception refugees, response to refugee problems (Government officials, International organizations, NGO, police agents, local community); (3) Research practices towards refugees situations (For universities and research institutions). The other technique used

to collect qualitative data was discussions with focus groups. This technique consisted in opened discussions about refugee issues and Governments response. The discussions took place in Maratane refugee camp and involved police agents, refugees and member of surrounding community. This technique not only provided an insight on how each member thought about refugee situations but also, helped to identify divergent interests and opinions regarding approaches to address refugee issues. This was fundamental to understanding the failure of some government institutions and NGOs attempting to mitigate refugee problems.

In order to get a real perception of facts and a true picture of refugee's life conditions and the interaction with the host community, non-participant observation took place in Maratane refugee center. The observation provided an insight on the culture and life style of the refugees on a daily basis. It helped to unveil their problems and constraints regarding basic needs and services such as sanitation, shelter and food. The last phase focused on the analysis and interpretation of the whole data which led to the conclusions presented in Chapter 7 of this dissertation.

### **1.7.2. The quantitative approach**

As mentioned before, the research was carried out using a combination of qualitative and quantitative methodologies. The quantitative data in this study is based on the information available as of 2010, unless otherwise indicated. The main sources used to collect information (number of asylum seekers and refugees, Human Development Index, country's population, country's GDP and other data) were the World Bank, UNHCR and UNDP.<sup>9</sup> With regards to

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<sup>9</sup> The World Bank, 'Data', Available at: <http://data.worldbank.org/>; UNDP, 'International Human Development Indicators: Database', Available at: <http://hdrstats.undp.org/en/tables/>; UNHCR, 'Statistical Yearbook 2004-2010', available at <http://www.unhcr.org/pages/4a02afce6.html> (18 June 2012).

some specific countries, quantitative and qualitative data on national level were collected through several processes. This included observations, informal and semi-structured interviews that took place in Mozambique in March 2013.

A significant amount of data regarding to the applications for asylum and refugee status determination in developing and developed countries became available since 2000.<sup>10</sup> The UNHCR provides annual statistical overviews from 1994 to 2000, but these statistics do not show aggregated information regarding to RSD including recognized, rejected and otherwise closed applications for asylum on an annual basis, and it also do not include a considerable number of countries which are used for analysis in this study. From 2001 the data availability improved with UNHCR Statistical yearbooks, which provides more aggregated data for RSD analysis.<sup>11</sup> Thus the study includes a quantitative and comparative analysis from 2001 to 2010 regarding the decisions on asylum claims from the part of receiving countries. This study considers the applications for asylum lodged during the year reflecting the trends and patterns of origin and destination of asylum seekers for the period from 2001 - 2010.

### *Understanding the concept of refugee*

“Everyone has the right to seek and to enjoy in other countries asylum from persecution”

(Universal Declaration of Human Rights, Article 14)

The Universal Declaration of Human Rights (1948) was the first international document recognizing the right to seek and to obtain asylum in the case of persecution, as it is stated in the article 14. The 1951 Convention Relating to the Status of Refugees is the main pillar of

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<sup>10</sup> The UNHCR Population Statistics is only displays data from the year 2000 on. See UNHCR Statistical Yearbooks. Available at: <http://www.unhcr.org/pages/4a02afce6.html>.

<sup>11</sup> See <http://www.unhcr.org/pages/4a02afce6.html>.

international refugee law. It contains the definition of refugees, their rights, and minimum standards for treatment of person in the procedures for refugee status. Until present day, the definition of refugees in international law has suffered modifications and adjustment, as it can be seen, for example, in the 1951 Convention Relating to the Status of Refugee and later in the 1967 Protocol on the same matter, where it was eliminated the temporal and geographic limitations as part of defining aspects of refugee.

According to both documents ( Refugee Convention of 1951 and Protocol of 1967), the term “refugee” shall apply to any person who:

owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. (1951 Convention Relating to the Status of Refugee, Article 1.2 as altered by the 1967 Protocol on the same Convention)

Some studies argue that, still, this definition of refugees is fragile because it doesn't cover the Internally Displaced Person or the people that for other reason different than those mentioned in the 1951 UN Convention on Refugees, are forced to leave their habitual place of residence. For example, Lehman (2009) explains that environmental induced migration is a real fact and it happens due to changes often related to climate change, particularly sea level rise, desertification, disasters such as earthquakes and floods, industrial or other contaminating events but the concept of environmental refugee yet remains poorly defined and without any legally binding

mechanisms of protection or support. Regarding to the Internally Displaced Persons, it is argued that there is no meaningful difference between IDP and refugees.<sup>12</sup> Zard in Bayefsky (2007) goes deeper in explaining that both (refugees and IDP) have been uprooted from their homes and both seeks shelter and safety elsewhere, but there is no clear legal framework for IDPs as there is for Refugees.

OAU Convention Governing the Specific Refugee Problems in Africa (1969) presents a more comprehensive notion of refugees which was expanded from the one contained in the 1951 Refugee Convention. It adds that:

“the term refugee shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality”. (Convention Governing the Specific Aspects of Refugee Problems in Africa, Article 1.2)

This perspective is also present in the Cartagena Declaration of Refugee (1984)<sup>13</sup> for the case of Latin and Central America. One important aspect to understand is that all these international and regional legal frameworks contains the general principles for the treatment of refugees, however, in a last instance each country is independent to accept or reject a person applying for refugee status, at its sole discretion, according to their perceptions and interests. The term “asylum seeker” is used as defined by the UNHCR that is “a person who has sought international protection and

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<sup>12</sup> See the Statement of US Ambassador to the United Nations, Richard Holbrooke in 2000, quoted at “the state of the world’s refugees, 2000”

<sup>13</sup> In the Cartagena Declaration on Refugees, see conclusion number 3.



whose claim for refugee status has not been determined yet.” It could also refer to someone who has not yet submitted an application or someone who is waiting for an answer. Nevertheless, the concept of refugees is applied considering the 1951 Refugee Convention and its 1967 Protocol, and also in a more comprehensive approach acknowledging that a person “does not become a refugee because of recognition, but is recognized because he is a refugee”.<sup>14</sup> At first, all asylum seekers are potential refugees.

This study starts with the identification of popular destinations for asylum as illustrated below on Figure 1.2.

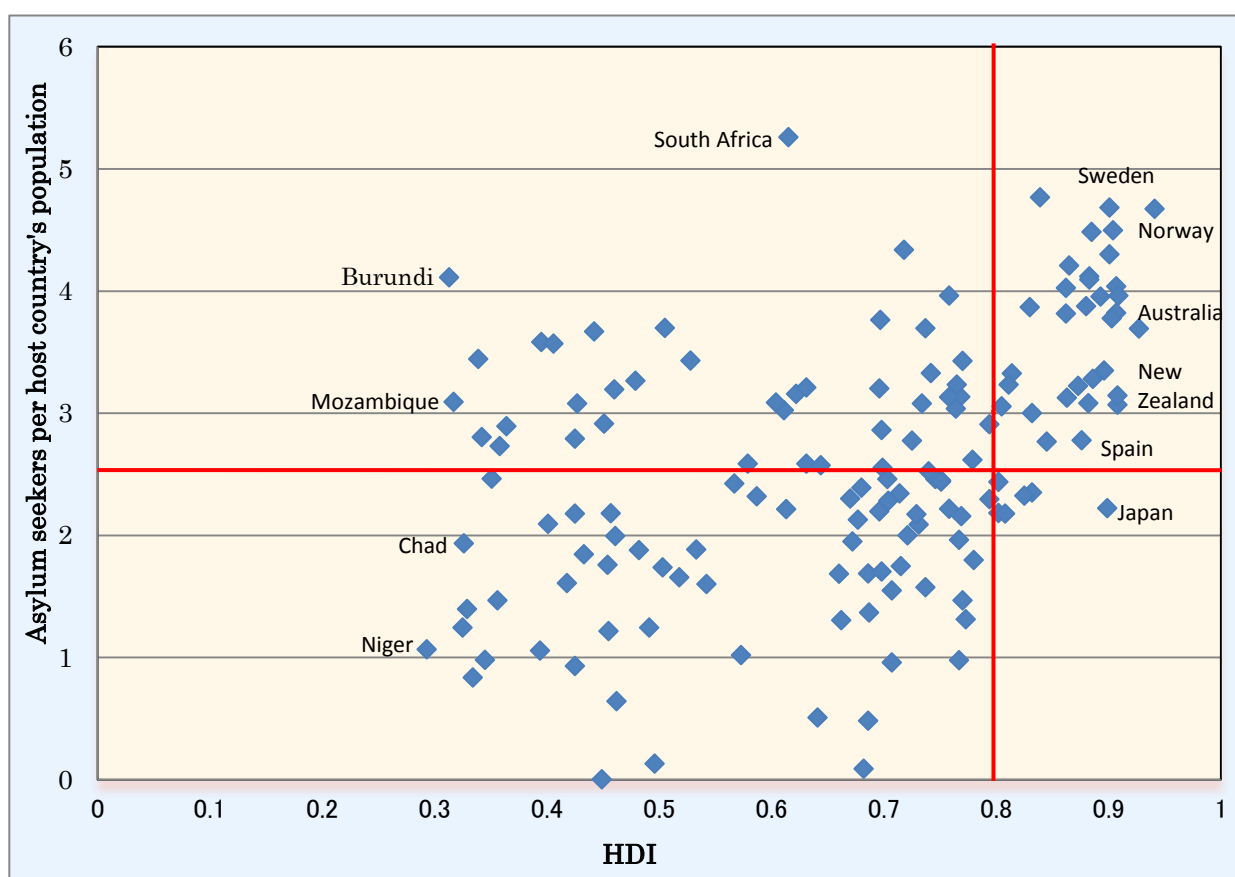


Figure 1.2: Asylum applications in developed and developing countries, 2010

<sup>14</sup> UNHCR, 2011 *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status* (Geneva, 2011b).

Figure 1.2 shows the situation of asylum applications worldwide in 2010, lodged in developed and developing countries, which is further divided in more (highly) and less popular country for asylum, plotted against the HDI of each country, on the horizontal axis. The vertical axis represents the number of asylum seekers in log scale for a given country as a fraction of the total population of that country as given below.

$$\text{Log}_{10}(\text{Asylum Seekers} \div (\text{Population} \times 10^{-7}))$$

Hence, it recognizes that the maximum refugee intake capacity for a given country is dependent on its own population, assuming that the country's population is the sustaining force for refugees even though part of the expenses is from donations by international organizations. The numerator of the fraction represents the number of applications for asylum during the year 2010 and the denominator is the total population of a given country in ten millions. In other words, the fraction is the total stock of asylum seekers per 10 million of the population. However, when these fractions were plotted on single coordinate plane those values vary greatly from tens to ten thousands, therefore, they are illustrated in  $\text{Log}_{10}$  values.

Moreover, in order to divide the countries considered to be more and less popular for asylum according to the number of asylum applications, the median of the asylum seekers was calculated as 2.5, and the partition line  $y=2.5$  was drawn.

Most studies on asylum seekers and refugees' origin and destinations such as Neumayer (2004, 2005a, 2005b), Bocker and Havinga (1998), Suhrke (1998) are based on the analysis of the receiving country's economic performance (GDP and GNP) as an explanatory variable to the choice of destination and further analysis on asylum seekers' movements. This perspective

seems to be limited considering that not only the economic performance of a country represent attractiveness for asylum seekers, but also social conditions are relevant too because, as concluded by Zimmermann (2009), asylum seekers moving into Europe seek to secure their wider needs, beyond just looking for safety. This includes access to education, health and income. The Human Development Index is a composite measure of achievement in three dimensions of human development – a long and healthy life, access to education and a decent standard of living.<sup>15</sup>

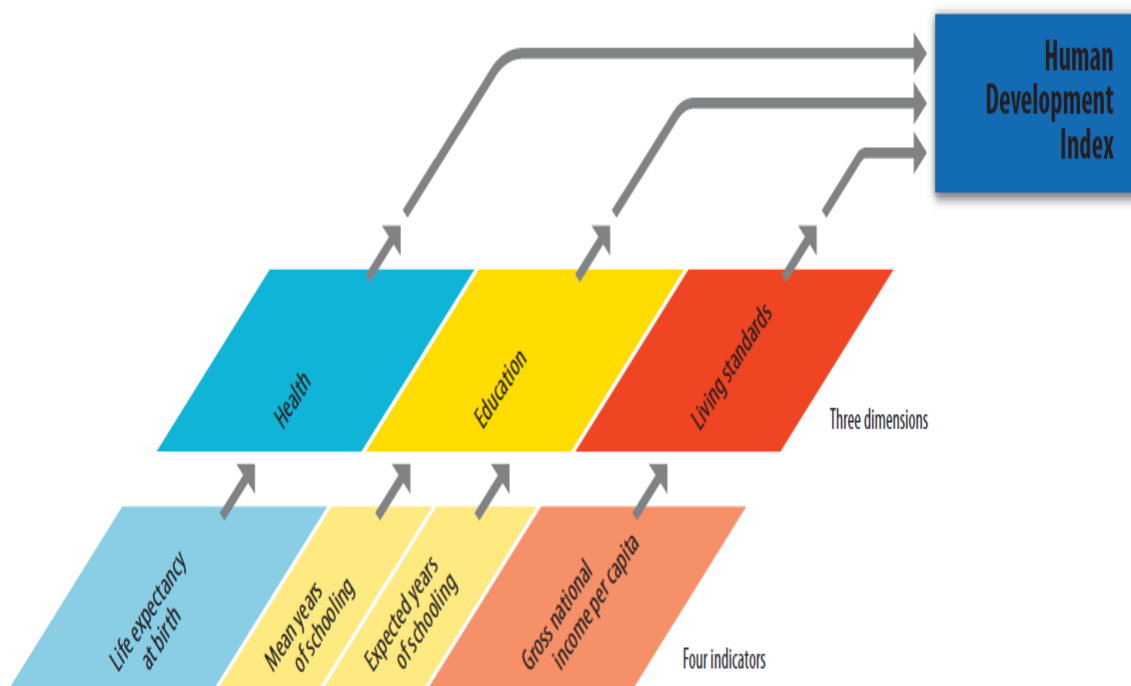


Figure 1.3: Three dimensions and four indicators of HDI

Source: Human Development Report, 2010

Refugees are people being persecuted for specific reason. In hosting countries they look for safety that cannot solely be assessed through economic performance in destination countries.

<sup>15</sup> See Human Development Report 2010, p. 26.

Therefore, HDI seems to be more comprehensive measure for a comparative analysis of asylum applications in a specific country based on the overall socio-economic situation.

Though, ‘there is no established convention for the designation of “developed” and “developing” countries or areas in the United Nations System’.<sup>16</sup> For the purpose of this study, the countries were categorized into two groups, ‘developed’ and ‘developing’, based on the available data on Human Development Index from the Human Development Report of 2010.<sup>17</sup> In this respect, countries with relatively low HDI were considered developing countries and they include the countries with HDI value below 0.8 while developed countries included those with a HDI value equal and above 0.8.

Particularly, the Figure 1.2 shows the names of the countries on the boundary line of the coordinate envelope, which represent the extreme conditions in asylum seekers destination country. Finally, the results were analyzed with special focus on the countries that appeared along the borderline.

## **1.8. Dissertation structure**

The dissertation consists of a total of 7 Chapters. Chapter 1 starts with a general introduction to the dissertation and provides an overview of refugee movements in the past and in present times. Furthermore, it presents structures under which all the research was carried out. It contains the objectives, scope, methodologies, significance, hypothesis and constraint of the study.

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<sup>16</sup> United Nations Statistics Division, 2013.

<sup>17</sup> UNDP, 2010.

Chapter 2 describes the relationship between refugees and human security. It first tackles the conceptual aspects of both terms and expands into illustrating the intersecting link of the concepts. Furthermore, it focuses on a specific human security problem affecting refugees on the move and finally it presents an analysis on approaches to address refugee issues on a human security perspective.

Chapter 3 provides a picture of refugee movements in developed and developing countries. It analyzes the actual location of refugees and their intended or desired country for asylum. This part illustrates the particular trends and patterns of refugee movements in developed and developing countries. This chapter also provides an insight to the attitude of receiving countries towards refugees based on RSD and burden sharing schemes.

Chapter 4 is focused on Africa in general. It attempts to provide an overall view of refugee movements in the African continent. It analyzes the refugee policies in Africa and the domestic approaches to address refugee issues in some selected African countries. Particularly it analyzes the great lakes region refugee crisis as a situation involving several countries and affecting the stability of all Africa in which refugees played an important role.

Chapter 5 particularizes the refugee movement to the Southern African region. It studies the pattern and trends of refugee movements in Southern African countries such as Mozambique, Zimbabwe, Botswana, Namibia and South Africa. It analyzes the RSD in order to oversee the real situation of refugees in Southern Africa. Additionally, this section provides a comparative analysis between Southern Africa and European Union in order to perceive the particular trends of refugee movements in developed and developing regions.

Chapter 6 presents a case study of refugees in Mozambique. At first, it analyzes the influx of refugees and the response of Mozambican government and institutions. It discusses domestic refugee policies and practical actions towards refugees. This chapter provides an in-depth view of real situations of refugees in a Southern African country such as Mozambique. This chapter is a “magnifying glass” to chapter 5 as it deepens the perspectives presented in that chapter by looking to the specific case of Mozambique.

Chapter 7 provides the conclusion of the study. The chapter summarizes the main findings of the study and presents an overall view of the study based on the topics discussed on each chapter. This chapter connects the research problem to the achieved results throughout all the research process.

## **CHAPTER 2 – REFUGEES AND HUMAN SECURITY**

### **2.1. Introduction**

It might seem ironic talking about freedom from fear and freedom from want,<sup>18</sup> when at first it is already known that freedom is not a more appropriate term to use for analyzing refugee issues, because they are people being persecuted for different reasons.<sup>19</sup> How can they be free? One can also suppose that since human security emphasizes a shift from the focus on states to consideration of people, states might remove themselves from the protection of refugees and accept the protective role of international institutions.<sup>20</sup> In this perspective, it seems to exist an antagonism between the human security and refugees where the first concept clearly concurs to aggravate the existence of the second concept. Whether divergent or convergent, both terms are interconnected. Human security is a describing element in the life of a refugee because it is a transversal factor in all the threats to the lives of refugees on the move or in the country of asylum.

According to the UNHCR Global Trend Report (2012), by end 2011, there were 42.5 million forcibly displaced people worldwide. Of these, 15.2 million were refugees and 10.4 were under the responsibility of UNHCR. Developing countries hosted 8.4 million refugees, or four-fifths of the global refugee population. The 48 Least Developed Countries provided asylum to 2.3 million refugees.

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<sup>18</sup> Annan (2005), associate freedom from want to poverty and development including, access to food, health, education, housing and environmental hazards. The same Author explains that freedom from fear is related to physical individual security and domestic security. It includes war and conflict, organized crime, terrorism and weapons of mass destruction.

<sup>19</sup> The definition of refugees is stated in the 1951 UN Refugee Convention and the related protocol of 1967 on the same subject. See article 1 in the 1951 Convention and article 1(2) in the 1967 Protocol on the same subject.

<sup>20</sup> See Freitas (2002).

The movement of refugees and their asylum in host countries produce implication in terms human security. For example, in 2008, the UNHCR conducted a Global Needs Assessment (GNA) to comprehensively map the real state of world's refugees. Their findings pointed out that 30% of the needs of refugees were unmet. These needs included shelter, health, education, food security, sanitation and measures to prevent sexual violence. These conditions will be more or less aggravated according to the destination country of asylum, whether it is in the developing world or not. Most developing countries cannot efficiently provide for basic needs of refugees, which in some cases results in fatalities for asylum seekers.

Therefore, with the main focus on the country of asylum, this chapter explores the relationship between human security and refugee, considering the Human Development Report of 1994 and other human security documents and related literature, as well as the international framework for refugee protection.

## **2.2. The concepts of refugee and human security**

“Human security is not defined in international law, but it does provide a useful complement to the legally based concept of refugee protection.” (Ogata, 1999)

The concepts and theories of human security are still far from being consensual and there have been many debates and discussions on how to approach human security.<sup>21</sup> One of the debates related to the human security theory focus on two different perspectives: Threats or vital core, which one should be the focal point of human security?

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<sup>21</sup> See Alkire 2003, p.23-24.



Alkire (2003) argues that a threat-identification exercise, although a central part of human security, is likewise an insufficient foundation because it leaves unspecified a key area: the fundamental grounds by which threats are identified which sometimes doesn't consider what the affected people value and need, what they consider to be of essence to their life. Instead, the same author explains, human security should focus on vital core and people's reflections on the basis of their own experience and knowledge, of their values and needs. In fact, vital core is at the center of human security definition by the Commission on Human Security (CHS) in 2003, and it embraces all essential aspects of human life.

However, for the particular case of human security analysis based on an identified vulnerable group such as refugees, the threat-perspective seems to be more appropriate as a starting point. First, because threat is an underlying element in the definition of refugees by the 1951 Refugee Convention. From the provisions of this convention, we can clearly understand that refugees are people living in fear, being persecuted for different reasons, and without protection.<sup>22</sup> In a last instance we can conclude that refugees are threatened people, and it was argued by Owen (2004) that human security is defined by what threats are actually affecting people.

One other discussion on how to approach human security is centered on freedom from fear and freedom from want. These two elements are often referred to as narrow and wide approach of human security, respectively.<sup>23</sup> In some cases, these approaches to human security are connected to policies undertaken by governments. For instance, Edwards (2009) explains that Japan adopts the broad-all encompassing approach by the Commission on Human Security, including

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<sup>22</sup> The definition of refugees can be found in the 1951 United Nations Convention Relating to the Status of Refugees; see also the 1967 Protocol Relating to the Status of Refugees.

<sup>23</sup> For more details regarding to narrow and broad approach of human security, see Owen, 2003:4-6; see also Tadjbakhsh and Chenoy, 2007.

infectious diseases, poverty and environmental degradation, while Canada's view of human security is complementary to national security. In this regard, Krause (2007) argues that the narrow view of human security as freedom from fear is intellectually and programmatically more coherent, in contrast to the broad vision which includes freedom from want, seems to capture almost everything that could be considered a threat to well-being. In this sense, human security in a broad vision has no utility for policy-makers or analysts, since it does not facilitate priority-setting.

The human security vision presented above is simple to understand if we are trying to avoid overlapping or chaos in policy making or even for practical intervention focusing on people in general. However, if we particularize the people into a vulnerable group such as refugees, it is clear that freedom from fear and freedom from want cannot be separated when addressing or analyzing refugee issues from a security point of view. In some cases health or food conditions may pose higher risk to refugees' lives than human trafficking, landmines or crime situation. For example, according to Kalipeni & Oppong (1998), about 5% of the 220000 Ethiopian refugees in Sudan in 1985 died within the first three months of their arrival, mainly due to the synergistic effect of malnutrition, malaria and diarrhea. More recently in Mozambique, according to a report prepared by the Liga Moçambicana dos Direitos Humanos<sup>24</sup> in 2011, in the same year, from January to March the country was affected by a mass influx of more than 8500 refugees from Somalia and Ethiopia, and in one month the country received around 4000 refugees. During these 3 months, more than 40 people died from hunger and diseases related causes. In such situation, it is inadequate to consider only the narrow perspective while analyzing refugee issues.

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<sup>24</sup> Mozambican League of Human Rights (translated by the Author from Portuguese language to English).

### 2.3. Refugees at the center of human security

Refugees are often mentioned in the human security discourse, as vulnerable group or victims, as threats or even as a reference to measure the security status of a specific country or region. They are forcibly displaced people chased away from their homes, deprived of their rights in their homelands, suffering negative impacts in terms of dignity and empowerment. Their all lives are based on a fragmented structure of freedom from fear and freedom from want.

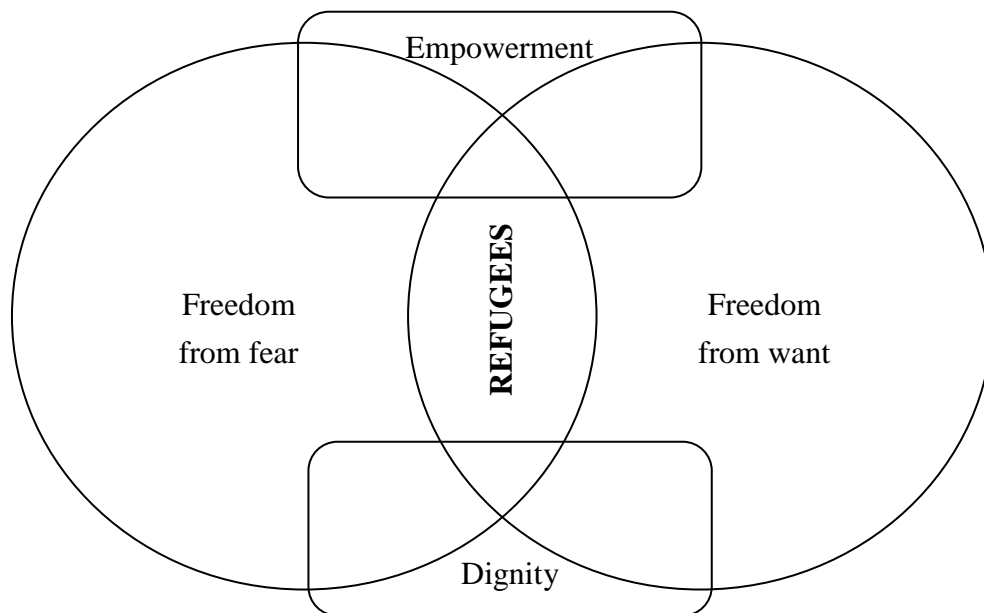


Figure 2.1: Refugees at the center of human security

The Human Development Report (1994) which is generally thought to be at the center of human security as a concept, also considered to be the document where the term “human security” was presented and first used by the United Nations, makes a short reference to refugees, mainly as victims of conflicts.<sup>25</sup> The Commission on Human Security (2003) presents an in depth

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<sup>25</sup> Although the author recognize that the roots of human security as a concept are deeper and related to periods before 1994, for more details regarding to the emergence of human security as a concept, see McIntosh & Hunter,

perspective of refugees, mostly as victims and vulnerable group. Their publication – Human Security Now – is one of the important human security documents which exhaustively focus on refugee situation as people caught up in violent conflict and people on the move in need of immediate protection.<sup>26</sup>

However, in the human security arena, refugees are also referred to as a threat to national, internal or regional security. For example, the International Commission on Intervention and State Sovereignty (ICISS) in 2001 argues that:

Civil conflicts are fuelled by arms and monetary transfers that originate in the developed world and their destabilizing effects are felt in the developed world in everything from globally interconnected terrorism to refugee flows, the export of drugs, the spread of infectious disease and organized crime (p. 5).

In this point of view, refugees are not only considered to be a threat, more than that, they are placed in the same group of problems such as drugs, infectious diseases and crimes. Furthermore, the same author explains that “many human catastrophes will have significant direct effects on neighboring countries through spill-over across national border taking such forms as refugee flows or use of territory as a base by rebel groups” (p. 53).<sup>27</sup> Adelman (2001) explains that by defining refugees as one key source of threat to state security, the notion of “human security” disguises rather than resolves the contradiction and increases insecurity for the displaced and

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2010:30; Bajpai, 2000, p.10; Othman, 2004, p. 4. see also United Nations Educational, Scientific and Cultural Organization, 2008. Human Security: Challenges and Approaches.

<sup>26</sup> “People cut up in violent conflict” and “People on the move” are the titles of chapter 2 and chapter 3 in the publication of Human Security Now by the Commission on Human Security in 2003, which focus on refugees.

<sup>27</sup> For more detail regarding to the use of territory as a base for rebel groups, see Commission On Human Security 2003:50

refugees in places such as Africa. Refugee issues are attached to a dual existence in the human security realm. Even though refugees are located at the center of human security as a vulnerable group critically affected in terms of freedom from fear and freedom from want, they can also be considered a source of human insecurity for the country of origin and the country of asylum.

Besides the conflict-security threat point of view, in some cases refugees are also considered to be threat to public health. The Human Security Centre (2005)<sup>28</sup> explains that in times of conflict, the most significant health impact on border states comes from the floods of refugees seeking cross-border sanctuary from the fighting at home. Grove and Zwi (2005) analyzed this perception of refugees as threats and concluded that this situation inverts health concerns such that the receiving population is seen to be under threat rather than attending to the health needs of the displaced. Perhaps, instead of being regarded as threats for public health, refugees should be perceived as a group vulnerable to health problems, and in need of immediate assistance. In this perspective, it could be possible to reach a more positive impact for the human security problems related to the health of refugees.

One other perception of refugees in the human security discourse is related to the status of security in a specific country or region. Ogata (1999) noted that refugees and internally displaced people are a significant symptom of human insecurity crisis. This approach can also be perceived in the Human Security Report Project (2007) regarding to the association of declining number of refugees since 1994, to the fact that the number of armed conflicts and campaigns of one-sided violence were sharply down and fatality tolls have declined even more steeply. Although in some cases, using this sort of correlation might help to understand the security situation in a specific

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<sup>28</sup> Published for the Human Security Centre at the University of British Columbia in Canada, 2005. For more details, see part IV, "Counting the Indirect Costs of War".

place and time, it is important to consider that in some other cases, the refugee flow might decline while the armed conflict are increasing, if the people chose to migrate inside of their own country without crossing any border, which will give them status of internally displaced person.<sup>29</sup>

However, more than just a passive component in the human security arena, refugees can actively participate in the actions to address the threat-situation to their human security and also contribute for development in the country of asylum.

#### **2.4. Refugees on the move and the threats of human smuggling**

Human smuggling and human trafficking are usually associated to poverty, conflicts, weak institutions and ineffective governments. Refugees on the move are extremely vulnerable to theses phenomenon. In the African continent, for example, a significant part of refugees in Southern African region reached their destination using networks smugglers. They seeks these “services” as an alternative to save their lives or improve their living conditions when there seems to be no better way.

Human smuggling and human trafficking refers to two slightly different but interconnected phenomena. The most widely used definition of human trafficking is in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, article 3 (a).<sup>30</sup>

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<sup>29</sup> According to UNHCR Global Trends 2011, the number of refugees has declined but the number of internally displaced persons has increased.

<sup>30</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing te United Nations Convention Against Transnational Organized Crime, 2000.

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

A distinguishing element in human trafficking is the use force or deception which points out to absence of consent by the victim. However, in human smuggling is defined in the United Nations Convention against Transnational Organized Crime:<sup>31</sup>

“Smuggling of migrants” shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.

A converging point is that both terms are categorized as crimes subjects to punishment. Human trafficking is not the main focus of this part. The definition is analyzed here in order to distinguish the two expressions.

According to the UNDP 2009, there are an estimated 50 million people living and working abroad with irregular status today and a significant number paid for assistance to enter in another

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<sup>31</sup> The definition is stated in the Annex III, article 3 (a) referring to the Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime of 2000.

country.<sup>32</sup> It is estimated that 8800 people lose their lives each year attempting to illegally enter in Europe mostly by sea.<sup>33</sup> In the case of Africa for example, every year a significant number of people lose their lives trying to move to another country through irregular procedures with the aid of people smugglers.

Table 2.1: Number of Somali and Ethiopian migrants who attempt to move from the Horn to South Africa, 2009

Estimate source	Activity and data	Extrapolation for entire year
UNHCR/Government of Malawi and interview findings	Somalis transiting through Malawi per month (30 per cent of 715)	2 600
UNHCR/Government of Malawi and interview findings	Ethiopians transiting through Malawi per month (70 per cent of 715)	6 000
Interviews and Malawi data	Additional migrants arriving in Zimbabwe from Zambia	1 000

<sup>32</sup> UNDP, Human Development Report, 2009.

<sup>33</sup> Committee on Migration, Refugees and Population (2008).



Table 2.1 (Continued)

Analysis of interviews	Migrants arriving directly by air into South Africa (3 per cent of Somalis, 5 per cent of Ethiopians)	800
Analysis of interviews	Migrants flying to Mozambique or Zimbabwe and then entering South Africa by road	4 000
Analysis of interviews	Migrant sent back by Kenya immigration authorities	3 500-5 200

Source: UNODC, 2011

In the northern Mozambique Channel, in 2010, 345 vessels were intercepted carrying a total of 7089 migrants, which resulted in the arrest of 523 smugglers.<sup>34</sup> This volume of irregular movement of people, carries along high risk for the lives of people being smuggling as the conditions by which they are transported violates their dignity and humanly accepted conditions which in several occasions results in fatal consequences. For example, in May 2010 nine Somali asylum-seekers died off the coast of Mozambique when their boat sunk. They were part of a larger group of 77 Somali nationals trying to reach Mozambique by boat.<sup>35</sup> In the next year, 2011, 51 Somali asylum seekers died again in a shipwreck along the cost of northern

<sup>34</sup> UNODC, 2011

<sup>35</sup> UNHCR (2010), available at: <http://www.unhcr.org/4c1227ca6.html>

Mozambique.<sup>36</sup> People coming to Mozambique by boat, use a wide network of irregular transportation by sea from the Coast of Somalia, Kenya and Tanzania.

I took the first boat in Somalia, and then we went to Kenya. In Kenya, we changed boats in the Indian Ocean, and then they took us to Tanzania. In Tanzania again we changed boats and they brought us to Mozambique. The entire trip happened in the sea, we didn't go to land in Kenya and Tanzania because we didn't have documents. It took us 20 days, we paid a lot of money and they gave us only bread and one bottle of water. Some people died and were thrown into the sea.

(Interview in Mozambique with a refugee from the Horn of Africa - March 2013.)

In the Southern African region, especially in Mozambique, the smuggling of refugee occurs also by land. As illustrated in the Table 2.1, it is estimated that in 2009, 4000 migrants flew to Mozambique and then entered South Africa by road. This is in fact true considering that, in Mozambique, in February 2011 eight asylum-seekers died by suffocation in a closed container truck. They were among a group of 26 young Ethiopian men who were travelling towards the south part of Mozambique coming from the Maratane refugee camp in the Northern Province of Nampula.<sup>37</sup>

Human smuggling is illegal and dangerous act that negatively affects the dignity of a person and in several times it produces fatal consequences. It is a direct threat to human security, especially in the case of refugees. However, in some cases, the countries attitude towards refugees creates a favorable condition to the expansion or prevalence of human smuggling. In developing countries, the threats of *refoulement* and detention in transit countries reinforce the choice for

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<sup>36</sup> Information passed in the media. Available at: <http://www.english.rfi.fr/africa/20110216-dozens-somali-migrants-die-shipwreck>

<sup>37</sup> UNHCR (2011c). Available at: <http://www.unhcr.org/4d515dcd9.html>

smuggling alternatives. In developed countries, the increase of restrictive measures towards immigration leads to the rise of illegal channels of migration.<sup>38</sup>

On one side, human security issues of refugees can be positively and efficiently addressed by governments depending on their attitude or perception of refugees as victims in need of protection. On the other side the government actions might aggravates the human security condition of refugees especially when they are perceived as a threat to the countries domestic security. There seems to be a dilemma in terms of security involving the domestic interest and the refugee protection perceived as exclusive parts by the governments. What is happening in fact is that the attempts to reduce or deter the flow of refugees through normal channels such as restrictive policies and security measures will trigger informal and less secure channels to reach the intended country of destination. On a final stage, the refugee flow will still continue, and the “security dilemma” becomes a theoretical construct that will negatively affect refugees.

## **2.5. Addressing human security issues of refugees**

It is obvious that the protection of refugees is one of the eminent issues of human security, however, the interrelationship between refugee protection and human security is relatively unclear (Yamamoto, 2012). In fact, there are still debates and discussions regarding to a consensual approach to analyze refugees` situation in a human security point of view, considering the practical and factual conditions of refugees in their place of asylum.

As mentioned before, the concept of human security is still far from being consensual and there are several approaches to understand human security. With such different ways of perceiving

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<sup>38</sup> See for example Bocker and Having, 1998.

refugees, it makes sense that a consensual approach to address refugee issues from a human security point of view, is most likely to be a difficult point to reach.

There have been some studies on human security related to refugee issues. For example, Hovil and Werker (2001) conducted a research in refugees' settlements in districts of northern Uganda. Based on the broad approach of human security, the authors assessed the personal safety and access to goods and services. Their framework captures essential parts of the human security analysis considering the Human Development Report of 1994, and it also integrates a psychosocial component as a new element which seems to lack in the human security framework - relational well-being of refugees. However, this framework seems to lack a more comprehensive view of human security when it doesn't make any reference to empowerment or dignity. Therefore their analysis focus essentially on the threats to refugees, and doesn't go deeper in considering their own capacities to intervene actively to reduce the threats and create basis for sustainability in all the aspects regarding their lives.

McGrath (2011) also presents a relevant analysis of refugee issues using the ideas of freedom from fear and freedom from want based on the seven categories of threats to human security presented in the Human Development Report of 1994. However, similar to Hovil and Werker (2001), McGrath's framework also doesn't expand into considering empowerment and dignity as important pillars in the analysis of refugee issues. Moreover, while numerous studies have examined refugee issues centered on threats to their security, there is still scarce information regarding to the perception of refugees by the parties providing protection. It is important to consider that the way refugees are perceive might influence the actions towards mitigation of threats to their security, on a positive or negative way.

In this perspective, considering all the aspects discussed previously, it seems convenient that a framework for analysis of refugee issues in a human security perspective should start from a threat point of view. The seven categories of threats to human security advanced by the United Nations Development Report of 1994 provide a relevant initial point. However, these threats should be approached considering how refugees are perceived, whether as threats or victims. The perception analysis is relevant because it might help to understand the way that the threats are addressed, not only reflected in the policies, laws or regulations, but also in the practical actions to attend refugees situations from the moment of their arrival in the country of asylum and all the process towards durable solutions.

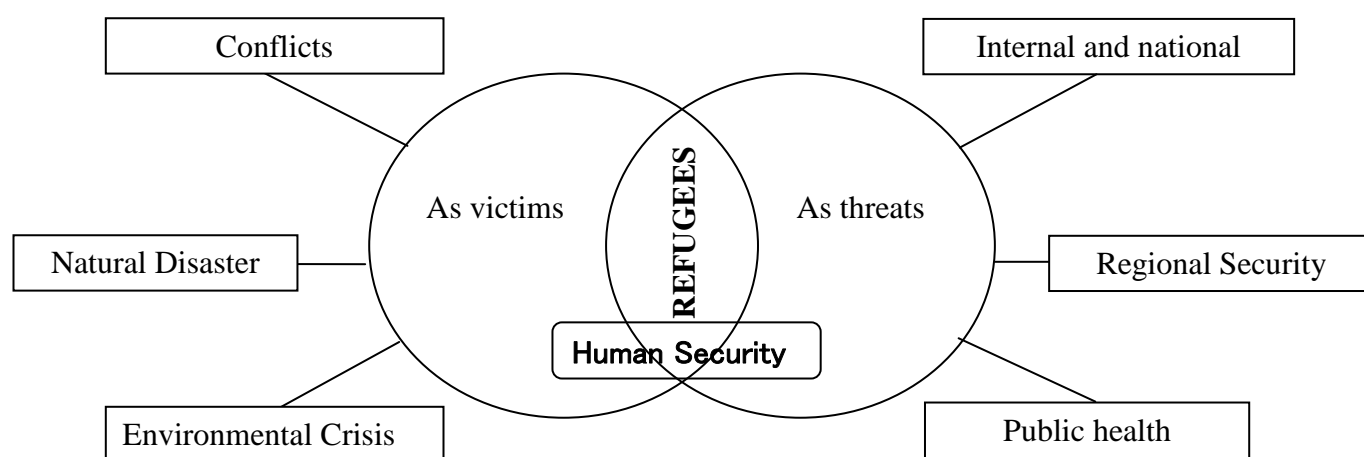


Figure 2.2: Refugees as victims and threats and the human security perspective<sup>39</sup>

Perceptions of refugees as threats are quite understandable if we consider the cases in which refugees are mobilized militarily and stage attack to the country of origin. For example, in the case of Africa Great Lakes refugee crisis, Salehyan (2007) explains that the support of Hutus refugees based in Zaire after the Rwanda genocide of 1994 - which were organizing raids to

<sup>39</sup> In the figure, the word “Conflicts” is not only limited to wars or violent conflicts. It is perceived in a broader sense, considering the definition of refugees by the 1951 Refugee Convention, regarding to the events that result in persecution of refugees.

the Rwanda government - by the Government of Zaire was one of the facts that lead to the invasion of Zaire by Rwanda in 1996. Moreover, the study of Lischer (2000) shows that in 1998 there were 4.3 million refugees involved in political violence around the world which affected the receiving country and the country of origin of refugees. Considering this perspective, it is possible that the reservations to the 1951 Refugee Convention by some countries at the moment of ratification of the document might reflect in some way the perception of refugees by some states, especially in moments of conflict or peace.

The dual perception of refugees is also found in the United Nations system. For example, it is recognized by the United Nations Security Council that forced displacement of people pose a threat to international peace and security.<sup>40</sup> However, UNHCR has the mandate to protect and support refugee and other displaced people, regarding them essentially as victims in need of immediate aid.<sup>41</sup>

Therefore, the threat or victim focus should be connected to the responsibility to protect or provide for refugees. According to the 1951 Refugee Convention, the responsibility to protect lies primarily on the government after ratifying the Convention and then to the international community.<sup>42</sup> In a broader sense regarding to the population in general, this perspective is explained by the International Commission on Intervention and State Sovereignty (2001), and also expressed in the resolution 60/1 (2005) by the United Nations.<sup>43</sup> Although it focuses on general population, for the particular case of refugee population, the responsibility to protect

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<sup>40</sup> United Nations Security Council. Resolution 1296 (2000); *Id.* Resolution 1208 (1998)

<sup>41</sup> For more detail regarding the establishment of United Nations High Commissioner for Refugees and its mandate, see United Nations High Commissioner for Refugees, 2005:7. *An Introduction to International Protection: Protecting People of Concern for UNHCR.*

<sup>42</sup> *Id.*

<sup>43</sup> Also known as “2005 World Summit Outcome”.

(R2P) framework should expand into involving also the civil society organization and refugees themselves as important actors in the protection structure. The protection of refugees should be developed and implemented by all intervening parts in the procedures towards their support, through interconnected actions and shared responsibilities.

On a national level, it is important to understand how the refugee policies and regulations are created and implemented. For example, the omission of a time frame for decision on refugee status determination might contribute for protracted refugee situation.<sup>44</sup> In some Southern African countries like Zimbabwe, Zambia, Namibia and Angola, most of the legislation relating to refugees doesn't have a clear time frame for final decision on asylum claim.<sup>45</sup>

During the time that the refugee awaits for the decision on his claim for asylum, he is not legally capable to fully enjoy his rights relating to education, work or movement, and he is entirely dependent on the support by Governments and other organizations on a national or international level. These constraints on a policy level might produce a negative impact for the human security of refugees, therefore, it should be considered as a relevant point while addressing to or analyzing refugee problems.

As mentioned before, refugees themselves are also actors in the efforts to provide protection and mitigate threats to their human security and also contribute to development in the hosting country. For example, Jacobsen (2002) argues that the potential benefit that refugees can bring

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<sup>44</sup> The United Nations High Commissioner for Refugees defines a protracted refugee situation as a condition in which refugees find themselves in a long-lasting and intractable state of limbo. Their lives may not be at risk, but their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile. For more details, see Executive Committee of High Commissioner's Programme. (2004) *Protracted Refugee Situations*.

<sup>45</sup> See for instances: Zimbabwe Refugee Act (1983); Zambia Refugee Act (1970); Namibia Refugee Act (1999) and Law nr.8/90 of 26<sup>th</sup> May of the People's Republic of Angola relating to the Status of Refugee.

for the state and its citizens go beyond the burdens imposed by a mass influx of refugees. This suggests that refugee capabilities as a source for development overweighs its potential as a security threat in hosting countries. At this point, focus must be centered on what the refugees can do for themselves or for the country of asylum, more than what the government or international community can do for the refugees. In this sense, one of the most important elements in the analysis of refugees under the human security umbrella is empowerment, and it is also explained by the Commission on Human Security (2003),<sup>46</sup> that human security requires both shielding people from acute threats and empowering people to take charge of their own lives. From a refugee perspective, empowerment is a very strong tool on the path towards dignity and also for sustainability of their actions. The Journal of Extension (1999)<sup>47</sup> defines empowerment as a social process that helps people gain control over their own life by acting on issues they define as important. On the same view, Alsop and Heinsohn (2005) argue that empowerment is enhancing an individual or group capacity to make choices and transform those choices into desired actions and outcomes. In this approach, empowerment can be seen as a transversal factor in the framework for analysis of refugee issues on a human security perspective because it is relevant for an effective mitigation of threats and also to achieve durable solution. In some specific contexts, empowerment of refugees might seem a very complex goal to achieve, for example as mentioned before, in the case when refugees are physically vulnerable and lack protection, or the situation of militarization of refugee camps and refugee population, which compromises humanitarian assistance and the exercise of refugee's rights. Scenarios of militarization of refugees are often analyzed in the situation related to the genocide in Rwanda in 1994 and the African Great Lakes crisis when refugees were recruited

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<sup>46</sup> See Commission on Human security, 2003. *Human Security Now*. p. 4.

<sup>47</sup> The Journal of Extension is the official refereed journal of the U.S Cooperative Extension System which expands and updates the research and knowledge for Extension professionals and other adult educators. Available from: <http://www.joe.org/about-joe.php>



and threatened to participate in armed conflicts.<sup>48</sup> One other context that constraints the empowerment of refugees can be analyzed on a normative perspective if we consider the reservations and declarations to the 1951 Refugee Convention expressed by some countries regarding to education, health, employment, naturalization and freedom of movement .

Considering a normative perspective, with such reservations and declarations, one question seems to be relevant: How can refugees be empowered if they cannot fully enjoy their basic rights in the country of asylum? For example, in order to foster the empowerment of refugees, education plays a very important role. However, if the rights to education for refugees are restricted, it might have a negative impact for the empowerment of refugees. Therefore, in the analysis of refugee issues in a human security perspective, the focus on constraints such as mentioned before, might help to understand the foundations of human security problems regarding this vulnerable group.

It is important to seek long-term solutions for refugee's problems as argued by Edwards (2009), however it is even more important that long-term solutions should be sustainable and in consideration of refugees' dignity. As explained in the report of the Secretary-General of the United Nations (2005)<sup>49</sup>, "no security agenda and no drive for development will be successful unless they are based on the sure foundation of respect for human dignity". One way to enhance the dignity of refugees is to act on the respect for their human rights and fundamental freedoms which should be the pillars for the construction of durable solutions that can be sustained over time.

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<sup>48</sup> For details, see Muggah, 2006. *No Refuge: The Crisis of Refugee Militarization in Africa*.

<sup>49</sup> Vide, *In Larger Freedom: Towards Development, Security and Human Rights for All*, 2005:34.

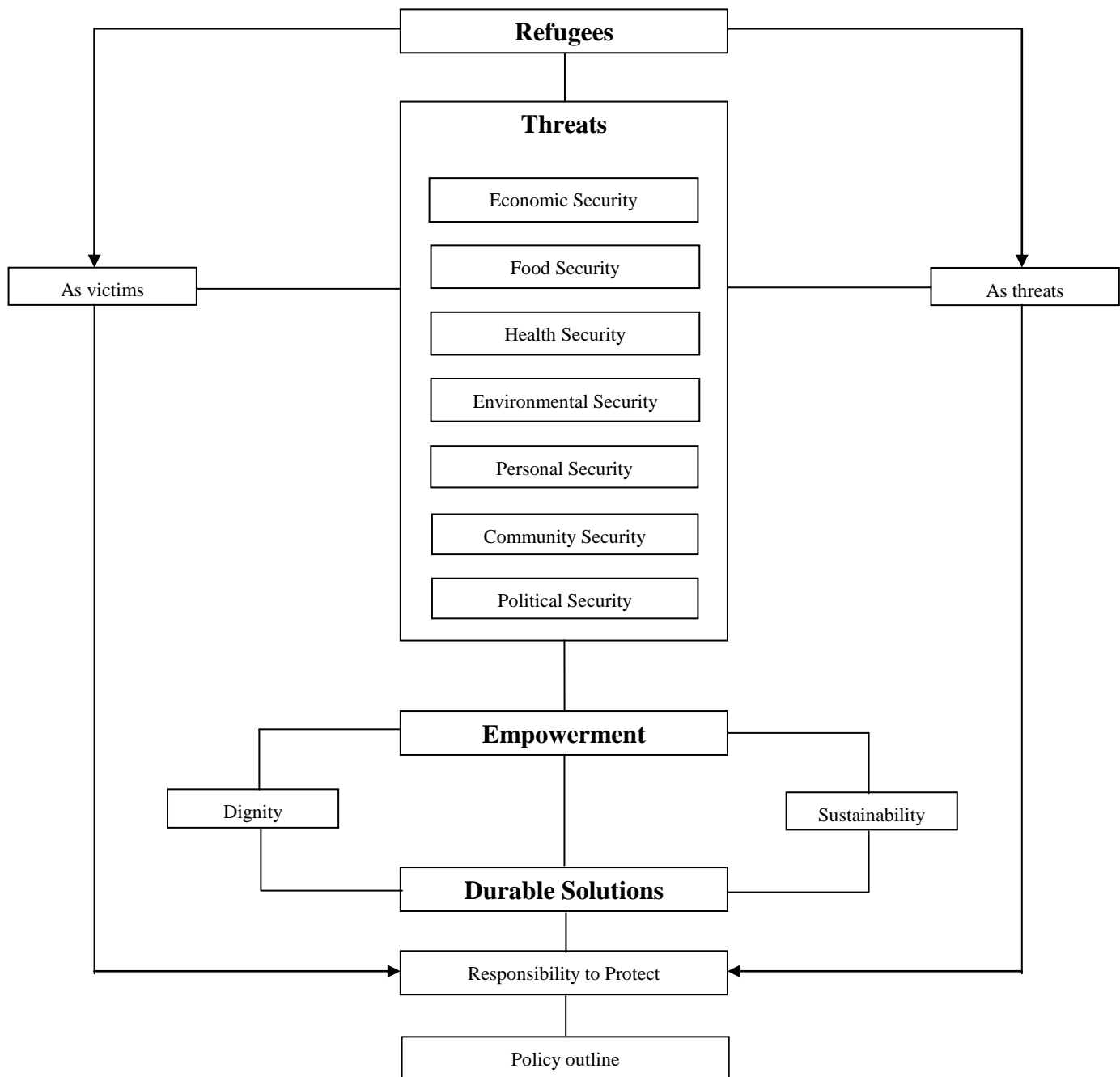


Figure 2.3: Framework for analysis of refugee issues in a human security perspective

Therefore, the framework presented in Figure 2.3, seems to be more comprehensive to understand, to study or to analyze refugee situations considering a human security point of view, not only because it integrates empowerment, dignity, sustainability and durable solutions, but

also because it goes even further into considering the perception of refugees as an important factor to understand policies and actions to address refugee issues.

## **2.6. Summary**

Some authors as Suhrke (2003) for example, concluded that from both normative and analytical perspective, the term “human security” is not useful for examining the needs of refugees and other displaced persons, suggesting that other perspectives would be more suitable such as vulnerability. However, placing refugees outside of the human security framework, conflicts with the foundations of human security theory to which, as explained in this chapter, refugees are strongly attached to. It is important to consider that human security is people-centred and it is concerned with vulnerable groups especially in conflict situation, such as refugees.

Human security issues of refugees will be more or less aggravated according to their location, whether in developed or developing regions. Nevertheless, in both scenarios, the perceptions of refugees as threats or victims are fundamental pillars to understand human security issues related to this vulnerable group. This perception might be a root cause that constrains the efforts to address the threats to human security of refugees, as well as durable solutions and empowerment of refugees. Perhaps, a more effective approach to mitigate problems faced by refugees should start first from a change in the way they are perceived: less as threats, and more as victims. Furthermore, studies of refugee issues in a human security perspective should consider empowerment strongly attached to dignity and sustainability as an essential tool to visualize and understand the constraints in addressing refugee issues.

Finally, human security issues of refugees can be efficiently addressed based on contextualized approach considering the particular location of refugees and their specific constraints.

## **CHAPTER 3 – AN OVERVIEW OF REFUGEE MOVEMENTS IN DEVELOPED AND DEVELOPING COUNTRIES**

### **3.1. Introduction**

People have been moving all around the world since the early stages of human history. The reasons behind people's movements are diverse depending on a wide range of factors such as socio-economic, cultural, political, environmental and others. Currently Only 37% of migration in the world is from developing to developed countries. Most of migration occurs within countries in the same category of development.<sup>50</sup> The UNDP (2009) argues that one obvious reason why there is not more movement from developing to developed countries is that moving is costly, and moving long distances is even costlier than undertaking short journeys, including policy constraints. For analysis of migration in general including voluntary migration, this argument seems logic. However, for the case of forced migration – movement of refugees – the argument of distance and cost of migration do not seems to completely apply, if the focus should be centered on geographical distance correlated with pecuniary costs. For example, the comparative analysis of the situation of Somali and Ethiopian refugees located in distant country such as South Africa and those located in some closer countries (Oman, Saudi Arabia, Qatar, United Arab Emirates), show a different reality (Table 3.1).

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<sup>50</sup> UNDP, 2009.

Table 3.1: Somali and Ethiopian refugees in South Africa, Oman, Qatar, Saudi Arabia and United Arab Emirates, 2012.

Country of destination	Number of Refugees (Distance from origin to destination given in km within brackets) <sup>51</sup>	
	Somalia	Ethiopia
South Africa	17864 (3,653)	5538 (4,084)
Oman	0 (2,791)	0 (2,661)
United Arab Emirates	19 (2,678)	0 (2,391)
Qatar	8 (2,672)	0 (2,264)
Saudi Arabia	20 (2,529)	3 (1,945)

Source: UNdata, available at: <http://data.un.org/>

<sup>51</sup> The distances were calculated from the Capital city in the country of origin to the Capital city in the country of destination based on Google Maps Distance Calculator.

Somalia and Ethiopia are located in the Horn of Africa which is one of the most popular origins of refugees. Of course, it is obvious that in countries predominantly Muslim cultural barriers may represent a blockade considering that these countries are culturally inclined to reject people from outside their environment, habits and laws. Nevertheless, Somalis and Ethiopians are predominantly Muslim and a vast majority of refugees from these countries choose to move to a country where Muslim ways are not predominant. In this case, the country's history and attitude towards asylum plays an important role as a pull factor for asylum. Thus the geographical argument should be used with references to other adjacent conditions.

The overall figure of international movement of people illustrates that the typical direction of movement is from less developed to more developed countries. Indeed, three-quarters of the international movers move to a country with higher HDI than their country of origin.<sup>52</sup> This pattern of movement supports the argument that the need to improve livelihood is the strongest factor behind people's movements from one country to another. Although this argument has been supported through several migration studies, this thesis put forward a movement of refugees on an inverse direction: from more developed countries to less developed, as it happens in Mozambique (this part is further analyzed in details on chapter 6). In the case of conflict-induced migration, it is necessary to perform an isolated and contextualized analysis in order to understand the particular patterns of refugee movements. Refugees belong to a special group of migrants. They are defined in international law and integrated in domestic legislation of a wide range of countries. Thus, this section analyzes the migration theories in the perspective of refugee movements in developed and developing countries. Starting from the origin and destination of asylum seekers, the study goes further into analyzing refugee movements through

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<sup>52</sup> UNDP, 2009.

a deeper and distinct perspective based on refugee status determination and policy arrangements to influence the distribution of refugees worldwide.

Drawing on data with regards to the number of applications for asylum, this chapter examines the origin and intended destination of asylum seekers divided in developed and developing countries for the period of 2001-2010 with central focus on the year 2010. The terms developed and developing countries are not consensually defined in International law, and its meaning is still subject to discussions in many areas related to social and economic development.<sup>53</sup> Acknowledging this constraint, the categorization of countries into developed and developing countries was based on the classification from the Human Development Report of 2010.<sup>54</sup> In this respect, in order to compare developed and developing countries, the sample for this study includes 30 developed countries (out of 42 countries with very high HDI) and 30 developing countries (out of 34 countries with low HDI). These two groups of countries were chosen considering that both groups integrate countries which are highly popular as a destinations for asylum seekers and also concentrates very high proportion of refugees worldwide, i.e., the majority of world's refugees are located at the extremes of HDI value whether in less developed or more developed countries. For example in 2010, in terms of absolute numbers, among the top 10 refugee hosting countries were Kenya and Chad, (Low HDI), Germany and the United States (very high HDI). Similar pattern is also found when the analysis is based on the applications for asylum. In this perspective, these two categories better represent the major concentrations of asylum seekers worldwide, allowing for a better perception of trends and patterns of asylum applications and the decisions on RSD that follows. The situation is similar when we normalize

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<sup>53</sup> See for example Sen (1988) and Szirmai (2005). Furthermore, the United Nations Statistics Division (2013) states that there is no established convention for the designation of “developed” and “developing” countries or areas in the United Nations System.

<sup>54</sup> The pages 226 and 227 of the Human Development Report (2010) contains a listing of developed and developing countries.

the number of asylum applications by the receiving country's population as illustrated furthermore on Figure 3.8. For example, Mozambique and Burundi (Low HDI), Australia and New Zealand (Very High HDI) are equally popular destinations for asylum seekers.

This part focuses on the analysis of two main variables: (1) The asylum applications during the year which allow to compare the patterns and trends regarding to the increase or decrease in asylum applications;<sup>55</sup> (2) The total number of asylum applications in each year which reflects the stock of applications subjects to decisions per year during the period 2001 - 2010.<sup>56</sup> Furthermore, through the analysis of Refugee Status Determination, this chapter shows the discrepancies in the decision on asylum claims in developed and developing countries. It points out to the need of change in policy and practice of developed countries in order to alter the patterns and trends in RSD and distribution of refugees worldwide.

### **3.2. Distribution of refugees worldwide**

Many countries all over the world have ratified the 1951 Refugee Convention.<sup>57</sup> By doing so, these countries are bound to protect and assist refugees. Since the creation of UNHCR in 1951 until recent moments, the numbers of asylum seekers and refugees worldwide have been increasing. Several events have substantially contributed to this rising trend, such as the World War II and the Cold War, the decolonization of Africa in the 1960s and violent conflicts in several parts of the world. These events influenced significantly in the flow of refugees and asylum seekers worldwide, in developed and developing countries. Consequently, countries have

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<sup>55</sup> This refers to the asylum applications applied during a specific year as representing the new stock of asylum claim for that particular year.

<sup>56</sup> This refers to the asylum applications that existed in the beginning of the year plus the asylum applications filed during that year, as representing the total number of asylum claim in a specific year.

<sup>57</sup> As of 1 April 2011, a total of 144 countries became states parties to the 1951 Refugee Convention. See UNHCR, 2013b. Available at: <http://www.unhcr.org/3b73b0d63.html>



been adopting policies and measures aiming at protecting domestic interests and assisting the refugees. These policies and measures are strongly determined by an interconnected set of factors, including the countries capability to provide appropriate assistance to people fleeing home which at first include basic need in terms of shelter, health, food, sanitation and security. However, the statistical data on refugees worldwide shows that there is an unbalanced sharing in refugee protection, with regions predominantly composed of developing countries in Africa and Asia hosting a considerably higher number of refugees (77%) than developed countries.

Table 3.2: Refugees by region of asylum in 2011

N/O	Region	Refugees <sup>58</sup>
1	Africa	2,924,091
2	Asia	5,104,115
3	Europe	1,534,415
4	Latin America and the Caribbean	377,784
5	Northern America	429,646
6	Oceania	34,755
	Total	10,404,806

Source: UNHCR, 2012

Even though, countries are bound to protect refugees, many developed countries denied asylum in large numbers. The biggest numbers of refugees are settled in poorest regions of Africa and Asia. In the case of Asia which has the largest number of refugees, the major hosting country is

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<sup>58</sup> The number of refugees includes also the people in refugee-like situations.

Pakistan with 1,702,700 refugees mostly coming from Afghanistan. In Africa, Kenya host the largest number of refugees (566,500), followed by Chad (366,500).

Table 3.3: Major refugee-hosting countries, 2011

N/O	Country of asylum	Refugees
1	Pakistan	1,702,700
2	Islamic Rep. of Iran	886,500
3	Syrian Arab Rep	755,400
4	Germany	571,700
5	Kenya	566,500
6	Jordan	451,000
7	Chad	366,500
8	China	301,000
9	Ethiopia	288,800
10	United States	264,800

Source: UNHCR, 2012

The countries with the highest HDI such as Germany and the United States host the comparatively smaller share of refugees. In Africa the biggest origins of refugees are the Horn of Africa (Sudan, Somalia) and the Great Lakes Region (Democratic Republic of Congo - DRC).

Table 3.4: Major countries of origin of refugees, 2011

N/O	Country of origin	Refugees
1	Afghanistan	2,664,400
2	Iraq	1,428,300
3	Somalia	1,077,000
4	Sudan	500,000
5	DRC	491,500
6	Myanmar	414,600
7	Colombia	395,900
8	Viet Nam	337,800
9	Eritrea	252,000
10	China	205,400

Source: UNHCR, 2012

It is important to notice that the vast majority of refugees in Asia and Africa are originated from small number of countries. In Asia, 80.2% of refugees are originated from Afghanistan and Iraq. In the case of Africa, 70.7% of refugees are originated in DRC Congo, Somalia and Sudan. Looking at these figures, one may think that solving the conflict situation in these 5 countries would significantly reduce the number of refugees worldwide and consequently mitigate the associated human security threats.

In developing countries, refugees are vulnerable to a wide set of threats that pose risk to their lives and dignity. The severe conditions faced by refugee in developing countries (as mentioned

in Chapter 2, section 2.2) have been pointed out in several studies and official reports.<sup>59</sup> Still, higher burden in refugee protection is placed on developing countries.

There are several factors that could concur to explain the distribution of refugees worldwide, for example, the geographical location, cultural ties and economic conditions. Nevertheless, looking into the intended destination countries for asylum based on the asylum applications lodged by asylum seekers, it is clear that the vast majority of asylum seekers intend to be hosted in developed countries. How to understand this contrasting situation?

### **3.3. Where they are and where they wish to go?**

According to UNHCR (2012b), developing countries hosted four-fifths of the world's refugees. The 48 least developed countries provided asylum for 22 percent of the total number of refugees worldwide. In contrast, the trends of asylum applications show a different perspective. For example, in 2010, the majority of applications for asylum (54%) were filed in 44 developed countries and 46% were applied in the remaining 143 developing countries.<sup>60</sup> The vast majority of refugees and asylum seekers are located in developing countries, but they wish to go to developed countries. If the majority of asylum applications are filed into developed countries, why is it that the biggest proportion of refugees (81%) are hosted developing countries where the annual numbers of asylum applications are relatively smaller? What is the reason of so many refusals in developed countries?

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<sup>59</sup> See for example the studies of Hathaway (2005) and Adepoju (1982); the poor conditions in developing countries is also perceived in the UNHCR (2012a)

<sup>60</sup> The listing of developed and developing countries was extracted in the HDR of 2010. The Numbers of applications for asylum were extracted from the UNHCR Statistical Yearbook. The calculation for the percentages was done by the Authors.

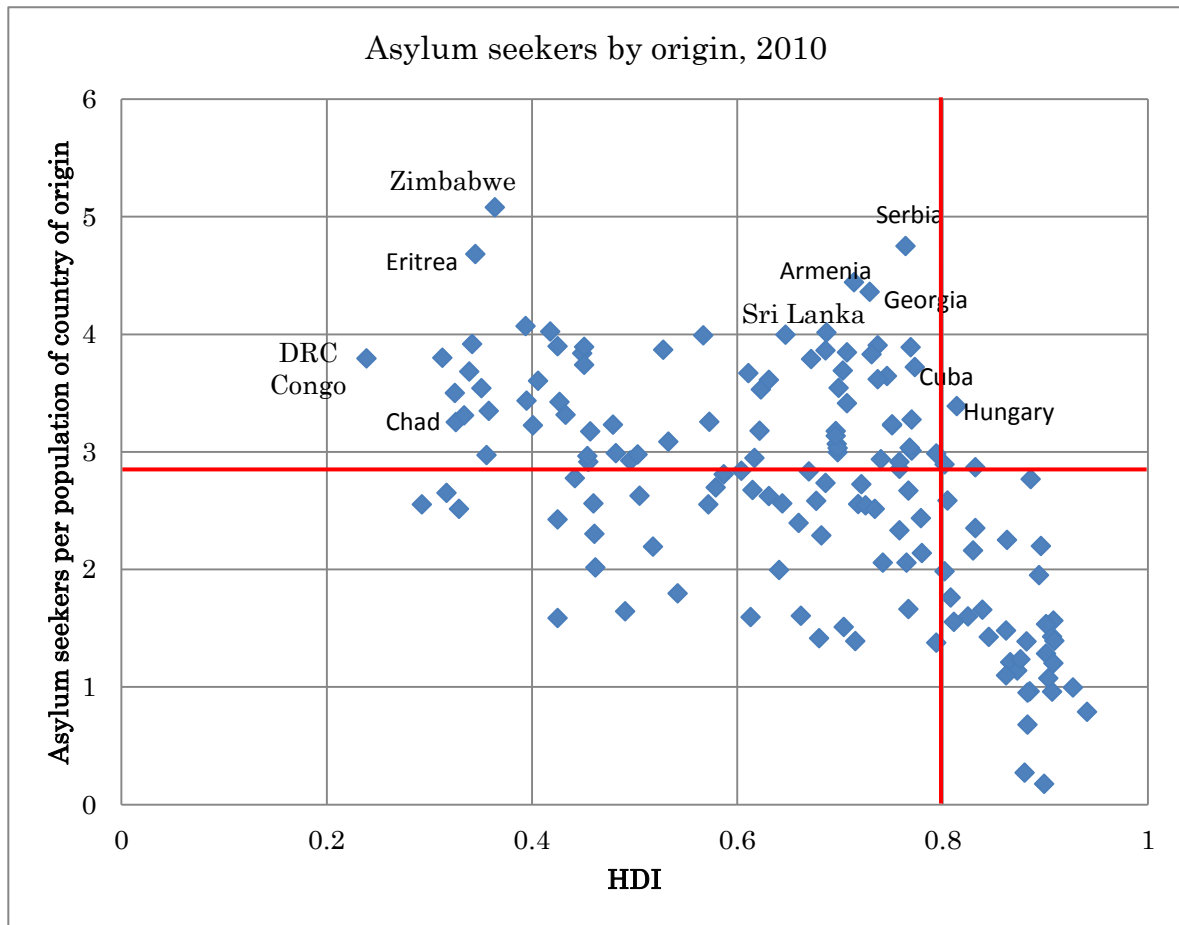


Figure 3.1: Asylum seekers by origin, 2010

The figure above (Figure 3.1) shows the global picture of asylum seeker per country of origin. It is divided by a horizontal red line through the median value of 2.8 ( $y=2.8$ ) into more popular countries of origin of asylum seekers (above the horizontal red line) and less popular countries of origin of asylum seekers (below the horizontal red line). The vertical red line ( $x=0.8$ ) separates the developing countries from the developed countries. There are some important aspects to consider prior to analysis: (1) in the quadrant of popular origins from developing countries, the majority of African countries are located between the HDI value of 0.2 to 0.4, while all the European countries are located between the HDI value of 0.6 to 0.8. The analysis of asylum seekers by area of origin and HDI value show peculiar patterns in the movement of asylum

seekers in the world which shed some light in the discussion between bogus and genuine refugees.

The asylum seekers originated from African countries such as Zimbabwe, Eritrea, Congo and Chad are higher in neighboring countries, i.e., the biggest proportion of asylum applications from those countries are filed in countries sharing the same borders.

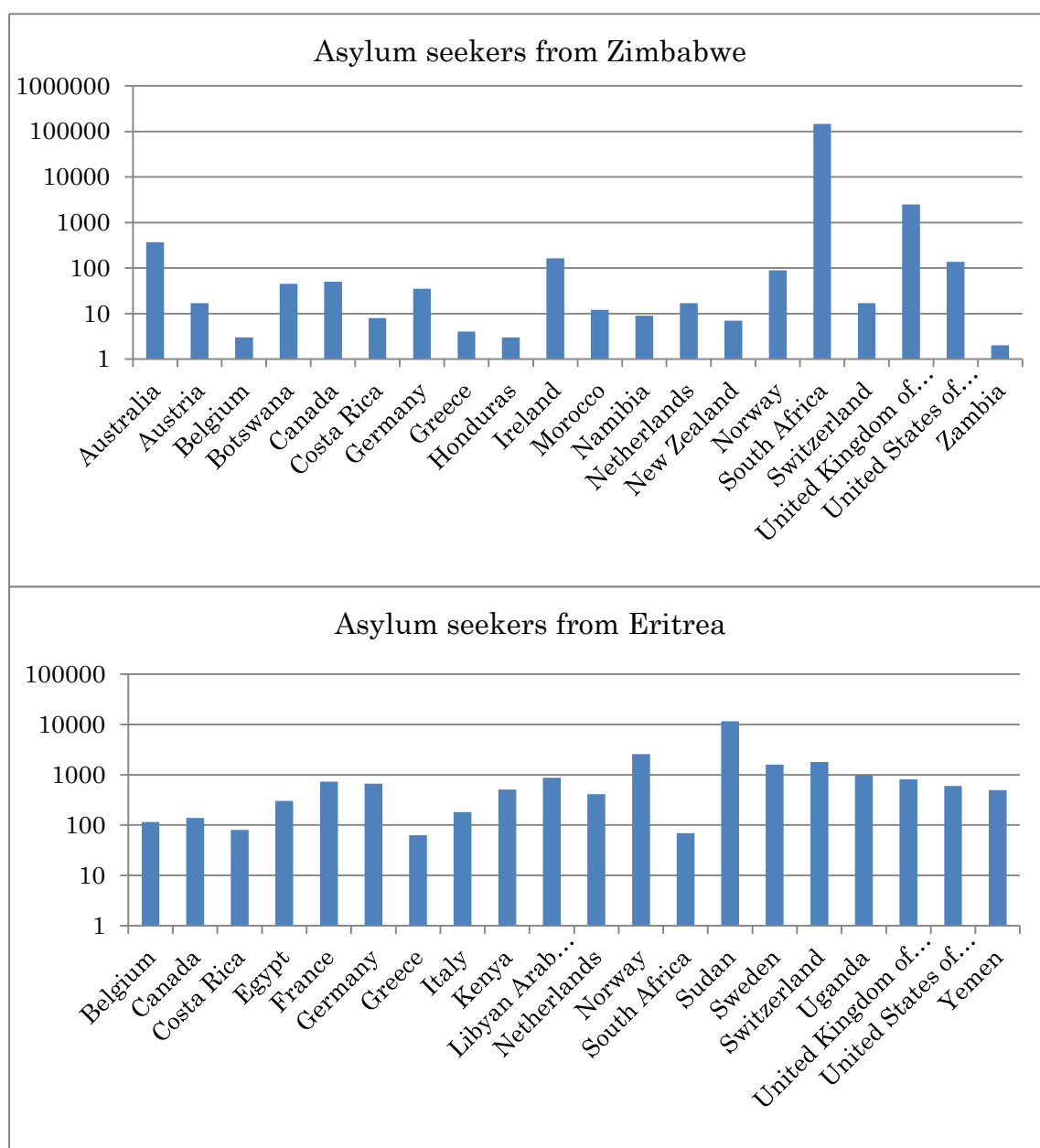


Figure 3.2: Asylum seekers from Zimbabwe and Eritrea by popular destinations, 2010

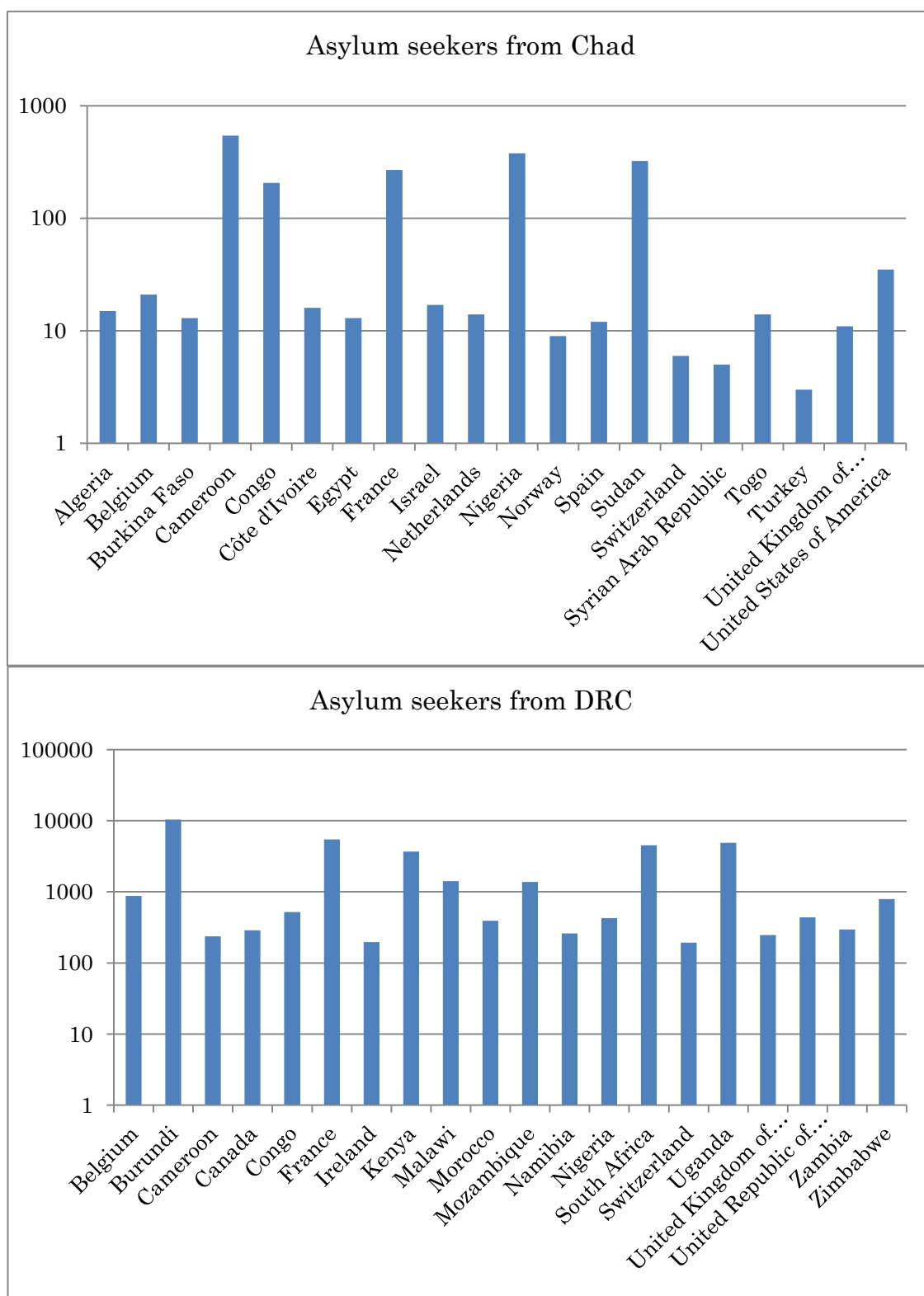


Figure 3.3: Asylum seekers from Chad and DRC by popular destinations, 2010

Figures 3.2 and 3.3 illustrates that asylum seekers originating from countries located in the poorer quadrant of developing countries move to neighboring countries on the same level of development, i.e., from Zimbabwe to South Africa; from Eritrea to Sudan; from DRC-Congo to Burundi; from Chad to Cameroon. What is the situation of Asylum seeker from countries with higher HDI?

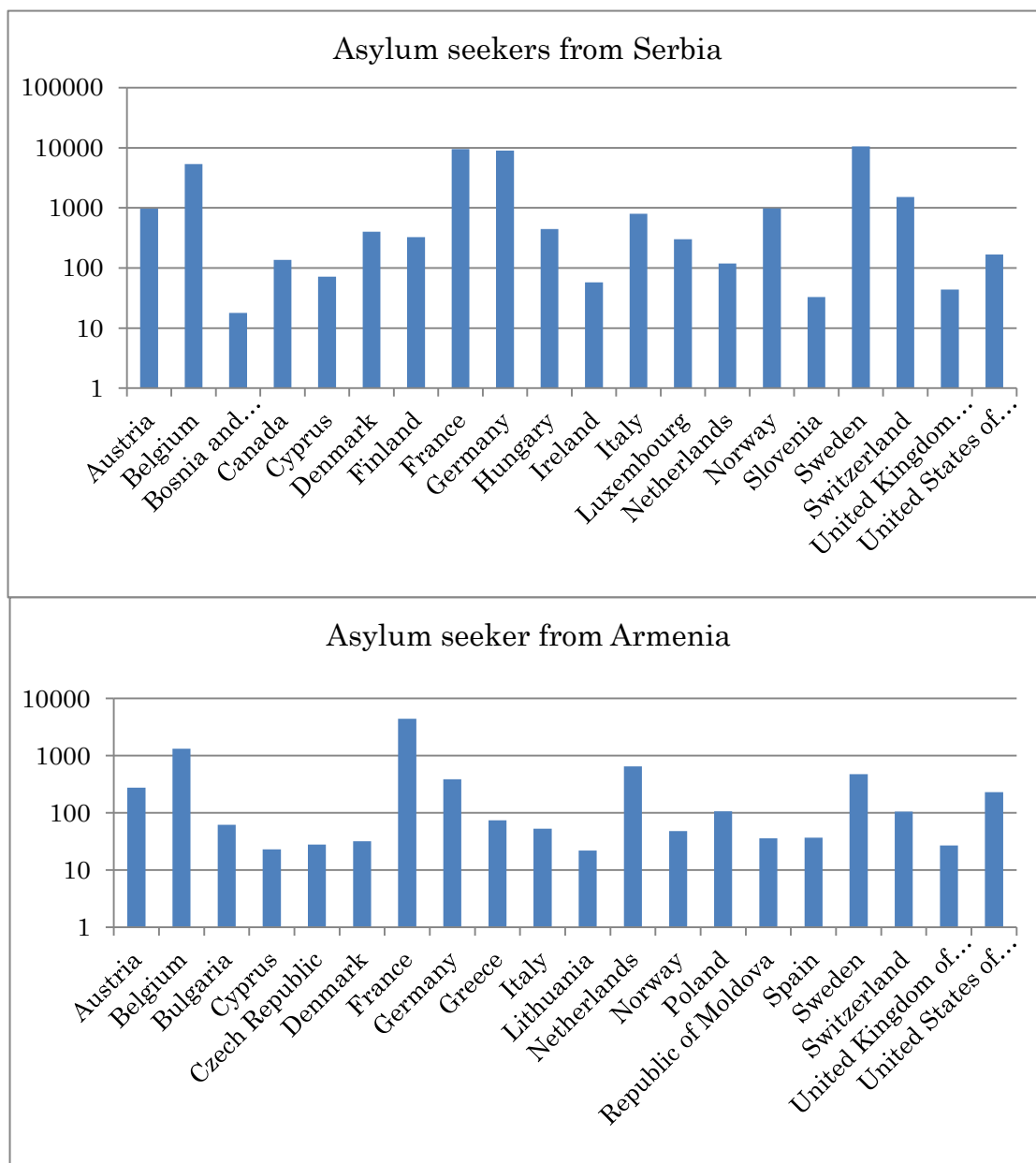


Figure 3.4: Asylum seekers from Serbia and Armenia by popular destinations, 2010



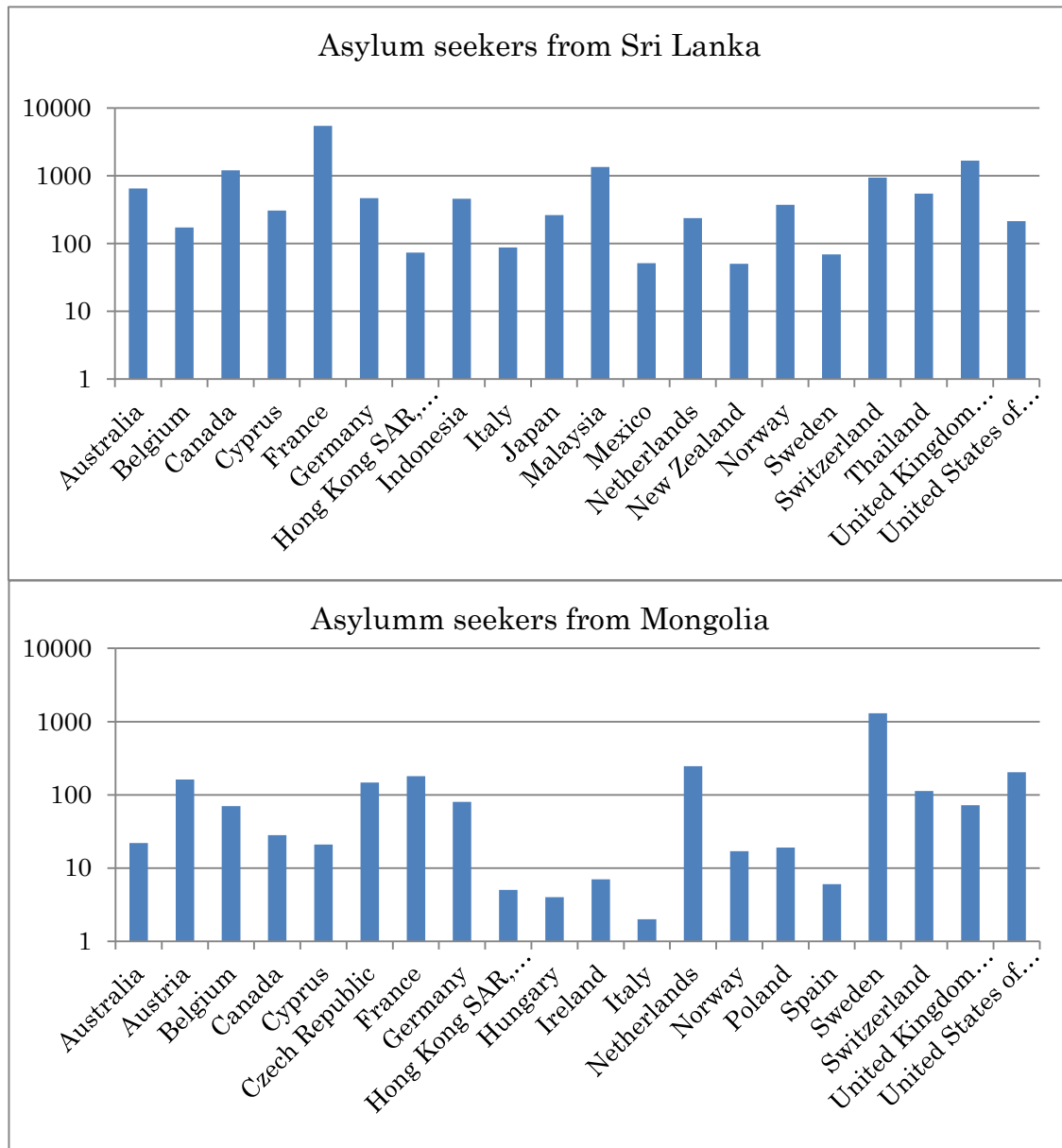


Figure 3.5: Asylum seekers from Sri Lanka and Mongolia by popular destinations, 2010

The matrix of popular countries of origin and destination countries of asylum seekers arranged by the order of HDI, allows a more comprehensive perception of what is happening regarding to the movement of refugees in poorer and richer countries.

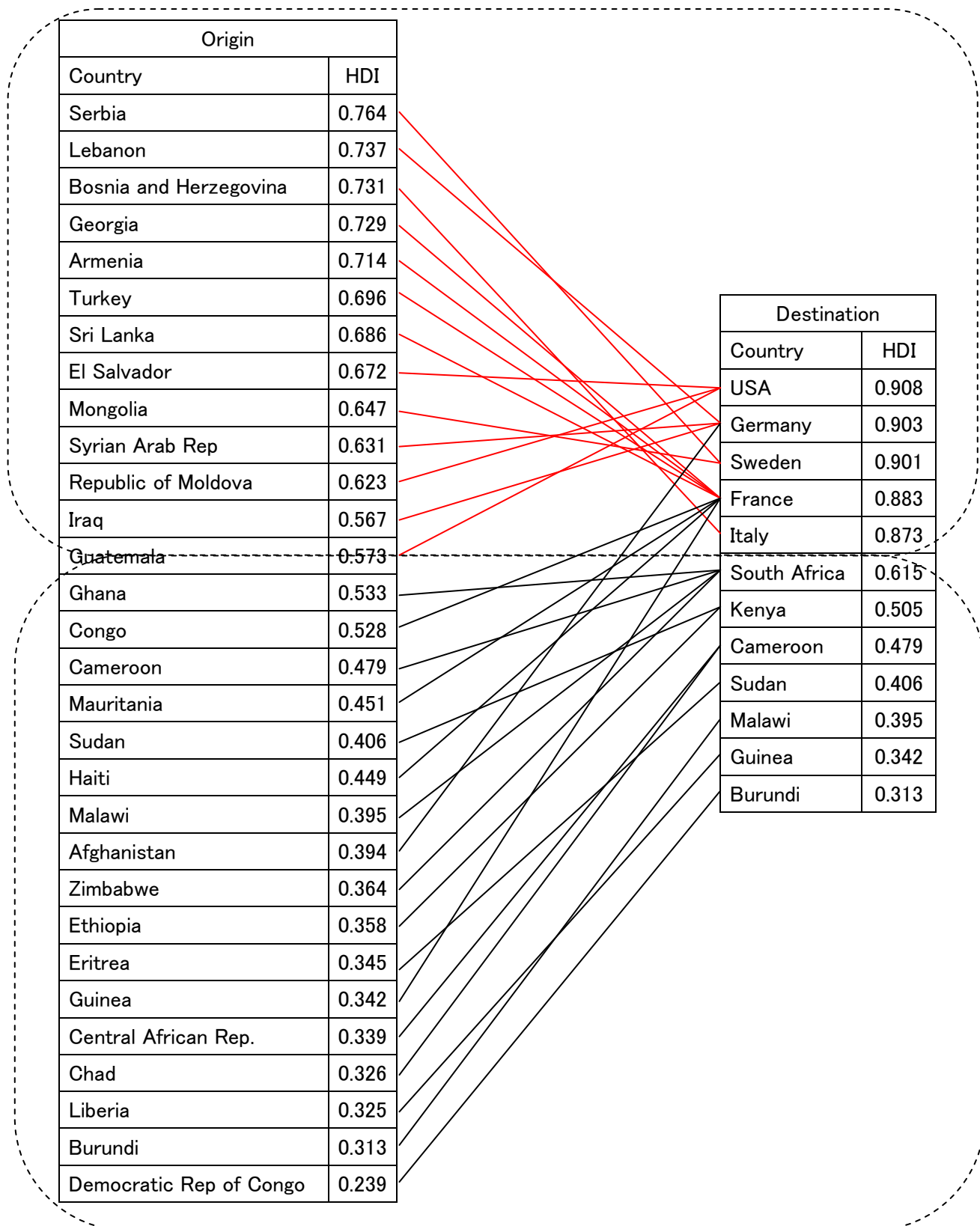


Figure 3.6: Matrix of popular origins and destinations of refugees, 2010

(Vide appendix J for distances between the countries of origin and destination)

From the matrix above illustrate 4 main regions of origin (Africa, Europe, Asia and the Americas) and destinations of refugees (Africa, Europe and the Americas) which must be taken into consideration for understanding the specific patterns of refugee movements worldwide. The lines connect the main popular country of origin of refugees to the most popular destination country. All refugees are originated in developing countries and they move to both developed and developing countries. As illustrated in the matrix (with the dotted line), the majority of refugees originated in more developed countries move to an even more developed country with higher HDI, while those originated less developed countries move to destinations with very low HDI. From the analysis of specific patterns of refugee movements based on the region of origin and value of HDI, there are three variables that appears as relevant: The proximity or geographical distance, the language, economic situation

#### *The proximity or geographical distance*

Only in Africa, the refugees from one specific country move to a neighboring country, for example from Chad to Cameroon, from DRC to Burundi, from Eritrea to Sudan. Refugees originated in Asia and Europe, move to a non-neighboring country;

#### *The language*

For the case of refugees moving to a neighboring country in Africa, the language seems to be a relevant factor since it is similar in the country of origin and destination. Even for refugees moving to non-neighboring country in Africa and Europe, the destination country has the similar language, for example from Ghana to South Africa and from Congo to France. This situation is not found in the case of refugees from Asia and Europe where all the refugees move to a country with a different official language, for example, from Sri Lanka to France and from Serbia to Sweden.

### *The economic factor*

Asylum seekers from Africa, Europe, Asia and the Americas moving to a non-neighboring country in the same region, converge mainly on a same popular country: in Africa they converge in South Africa; in the Americas, they converge in the United States of America; In Europe, the main destination is France. These 3 countries are also popular for asylum seekers originated in distant countries, for example, from Haiti to France and Republic of Moldova to the United States of America. These three countries of convergence have one thing in common: they are all among the highest HDI and GDP for each continent. In 2010, South Africa had the fourth highest GDP per capita in Africa (11,606 US\$); France was at the twelfth position in Europe (35,714 US\$); and United States of America had the highest GDP in the Americas (49,307).<sup>61</sup>

Looking to the situation in Asia and Europe, the economic factor appears as the main variable explaining the asylum seekers movements from these origins, as most of them move to further countries with no language ties and with higher level of development. The group of asylum seekers moving to further countries integrates a significant number of economic migrants disguised as asylum seekers, representing a group of “bogus” refugees which overwhelms the process for determination of genuine asylum seekers. This situation overloads the RSD processes which will negatively impact in both genuine and bogus refugees (this part is developed furthermore in this Chapter).

### **3.4. Applying for asylum in developed and developing countries**

In order to understand in detail the patterns and trends of asylum applications in developed and developing world, as mentioned earlier, this study focused on a sample of 60 selected countries

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<sup>61</sup> The values are expressed in GDP per capita PPP, extracted from the World Bank database, available at <http://data.worldbank.org/>

divided evenly: 30 developed countries with very high HDI and 30 developing countries with Low HDI.

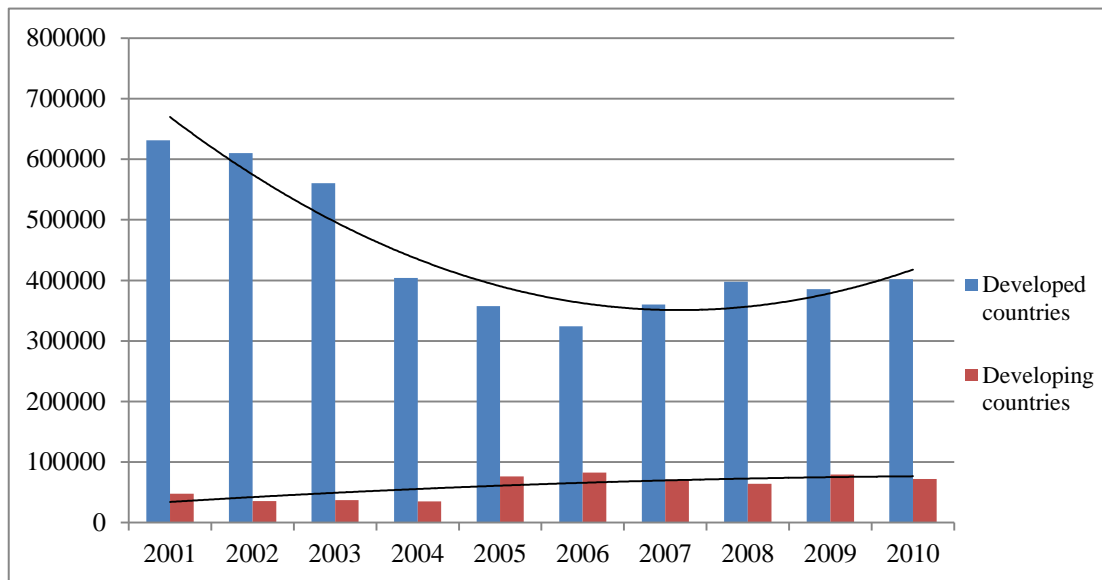


Figure 3.7: Applications received during a specific year in developed and developing countries, 2001-2010

The figure above (Figure 3.7) was prepared based on the application for asylum lodged in developed and developing countries during each year from 2001 to 2010. In general it shows that in every year, developed countries receive higher number of applications for asylum in comparison with developing countries. Bossin (1999) analyzed the refugee situation in the north (developed countries) as compared to the refugee situation in the South (developing countries). The author points out to the existing linkage between the refugee movements in both regions mainly regarding to the restrictive measure from the north which will influence the refugee situation in the south. Indeed, from 2001 to 2010 the applications for asylum in developing countries have increased 50.7%, while in developed countries there was a reduction in 36% of the applications for asylum. Neumayer (2005) studied the asylum applications lodged in industrialized countries in Europe from 1980 to 1999. The author noticed that the total

applications in Europe increased from the early 1980s and began to fall during the latter half of the 1990s, mostly associated with the end of cold war and variation in migration policy in receiving countries. The Figure 3.7 suggests from the 2000s, the applications for asylum in developed countries continued to drop until 2006, mostly associated to restrictions in asylum policy and negative practices regarding to RSD as explained furthermore. In the case of developing countries, this rising trend of asylum applications is often associated to the conflicts that emerged in the African great lakes region, the horn of Africa and the Middle East.<sup>62</sup>

Some authors such as Maluwa (1996), based on the fact that the largest movements of refugees have occurred in developing countries, concluded that the great majority of refugees seek shelter in the world's poorest states. This conclusion seems to be correct if the focus is placed solely on the number of refugees per country. However, looking at the situation of asylum applications as presented in Figure 3.7, it suggests that although bigger number of refugees is sheltered in developing countries, their intention is to move to more developed destinations. It means that their current locations are not the intended final destination. The situation can be explained through a wide range of push and pull factors from the country of origin to the country of asylum.<sup>63</sup> Therefore, choices of destination and route towards an intended country of asylum will depend on a wide set of factors which include the circumstances of departure, distance to destination, physical security threats, immigration policy and practices in the country of destination. Studies on determinants of asylum claims are scarce. Thus, in the case of refugees and asylum seekers, the push factors are mostly related to fear of persecution and they flee home mostly due to immediate security threats to their lives and physical integrity. In these situations it is understandable that they might have little choice about their initial or final destination.

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<sup>62</sup> See UNHCR (2011d).

<sup>63</sup> Richmond (1993) and Schoorl *et al.* (2000) present a clear explanation about push and pull factor associated to forced migration.

Regardless, in a final stage, the access to asylum depends exclusively on the receiving country which might accept or reject the claim for asylum according to their domestic policies and interests, their legislations and procedures.

### **3.5. Discrepancies in refugee status determinations**

Refugee Status Determination usually refers to a process conducted by a country's authority or UNHCR which leads to ascertaining whether a person who submitted the asylum claim is in fact a refugee or not. Even though there are general principles and guidelines provided by the UNHCR, the RSD procedures usually vary from country to country according to their domestic policies, practices or general country conditions.<sup>64</sup> However, there are particular common patterns in the RSD decisions that can be observed in developed and developing countries.

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<sup>64</sup> For more detail on the principles and guidelines for RSD, refer to the Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugee edited in 1992

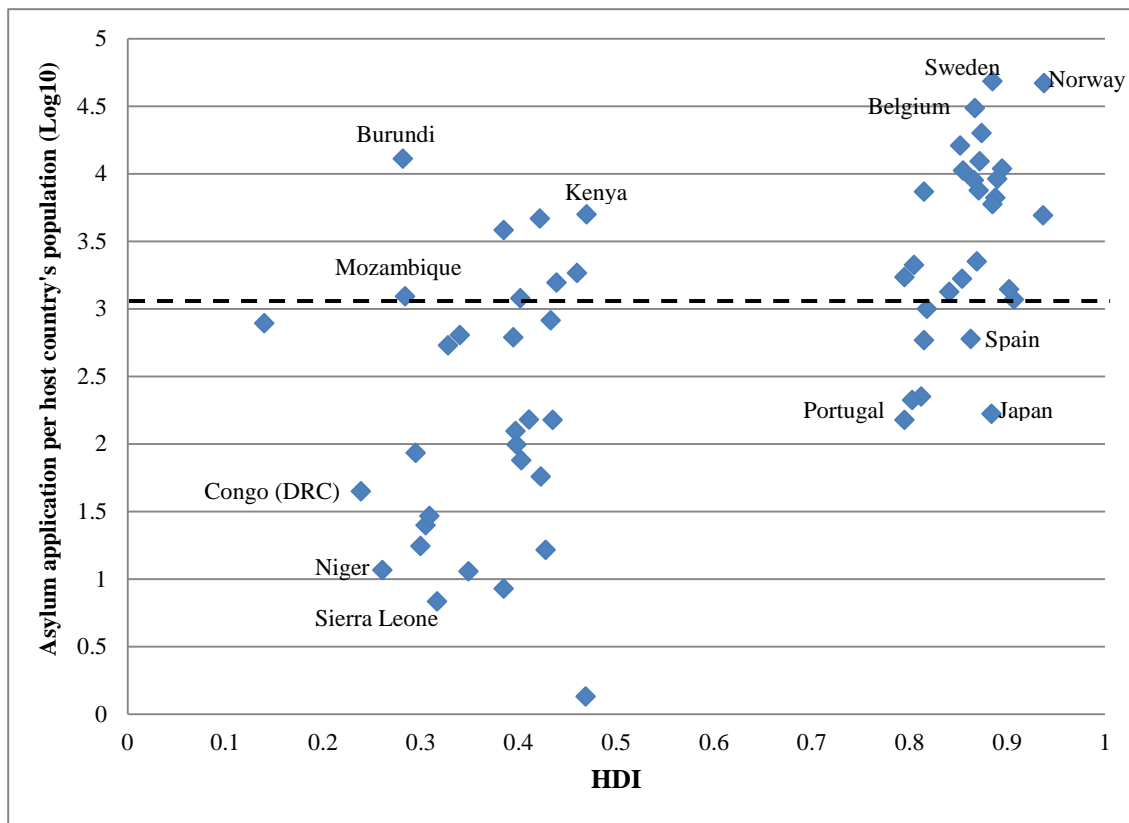


Figure 3.8: Asylum applications in low and very high HDI countries, 2010

Figure 3.8 illustrates the situation of asylum applications lodged in developed and developing countries in 2010. The vertical axis represents the number of asylum seekers for a given country as a fraction of the total population calculated by “ $\text{Log}_{10}(\text{Asylum Seekers} \div (\text{Population} \times 10^{-7}))$ ”. In order to separate the group of countries that are more popular for asylum from the group of countries that are less popular for asylum, it was calculated the median number for the values representing the proportion of the asylum claims divided by the country’s population, which is represented by the value of 3.1. From this value (illustrated in dashed line on Figure 3.8), the countries located on the upper side are considered more popular for asylum, and those located on the lower side are considered less popular for asylum.



The figure shows that some least developing countries (for example, Burundi and Mozambique) and some other highly developed countries (for example, Australia and New Zealand) are simultaneously popular destinations for asylum seekers. On the other hand, some highly developed countries like Japan are not popular for asylum seekers. Several arguments are used to understand why some developed countries are not popular as destinations for asylum seekers. In some cases it includes the geographical location and cultural barriers.<sup>65</sup> Some other Authors like Vink and Meijerink (2003) prefer to stress the fact that some developed countries with low rates of asylum applications are often associated with high rates of rejection on refugee status request. In this case the asylum applications and the decisions that follow will be substantially influenced by restrictive policies and practices towards asylum seekers.

Thus, the analysis on refugee status determinations provides an insight on the trends and patterns on decisions on asylum claims which affects the distribution of refugees worldwide.

After receiving an asylum application, the entity responsible for RSD will take three main decisions: (1) Reject the application; (2) Recognize the application or grant the refugee status; (3) Close the file – “otherwise closed” cases.<sup>66</sup> This study is centered on rejected and recognized cases as decisions essentially depending on the discernment of the entity responsible for RSD.

The analysis on the main decisions of RSD in developed and developing countries shows discrepancies regarding to recognized and rejected cases.

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<sup>65</sup> See Richmonds (1993); see also Schoorl (2000).

<sup>66</sup> UNHCR (2005a).

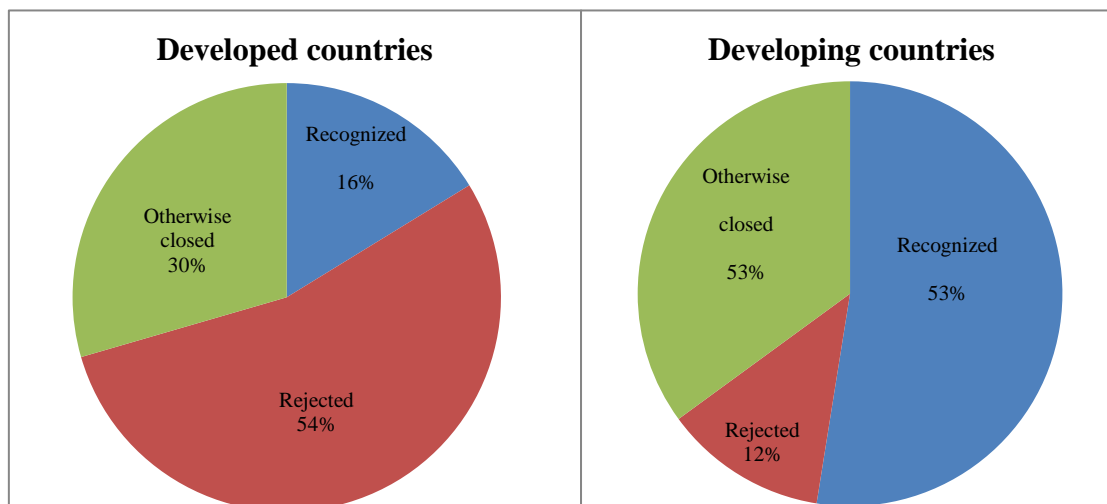


Figure 3.9: Decisions on applications for asylum in developed and developing countries, 2001-2010

The total figures on decision over asylum claims from 2001 to 2010 show that the majority of applications for asylum (54%) have been rejected in developed countries. In contrast, in developing countries, the majority of applications for asylum (53%) have been recognized. Is that the reason why there are more refugees in developing countries than in developed ones? Whether that is the reason or not, it is essential to understand that this is an important fact that should accompany the arguments to explain the distribution of refugees worldwide with higher burden on developing countries, rather than just focusing on forced migration's theoretical arguments as most of the studies do.

Furthermore, in developed countries, the trends and patterns of asylum applications will strongly influence the proportion of rejected cases. On the contrary, in developing countries, the flow of asylum applications will have a strong correlation with the recognized cases.

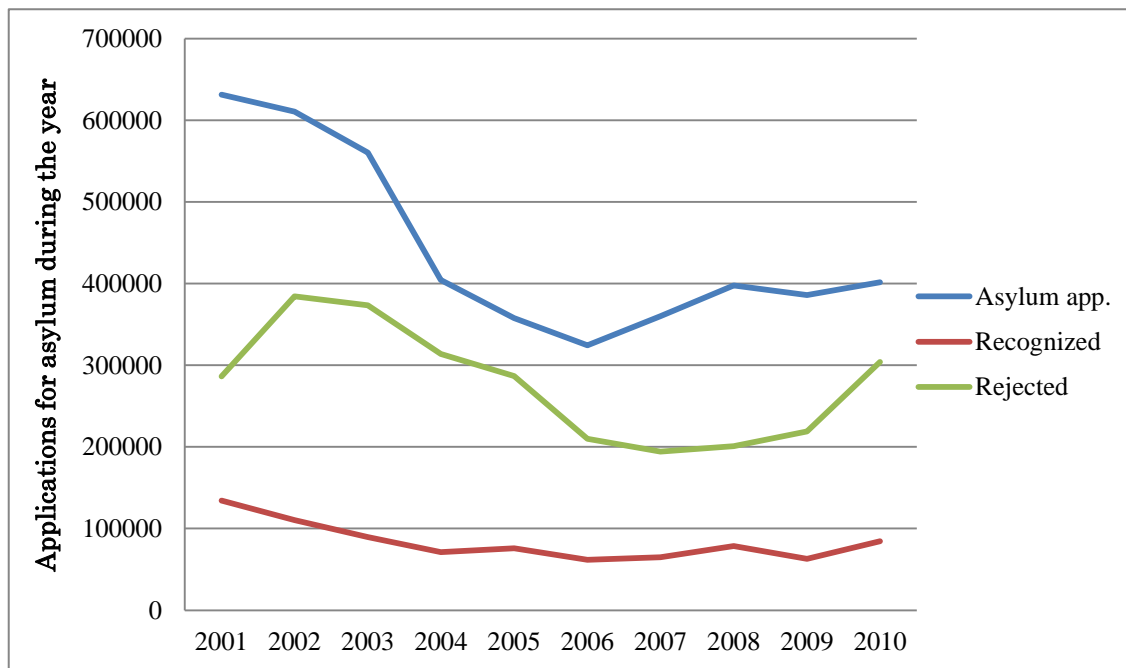


Figure 3.10: Asylum applications in developed countries: rejected and recognized cases, 2001-2010

In developed countries, the pattern and flow of rejected cases are strongly connected to the pattern and flow of applications for asylum. For example, from 2004-2006 with the decrease of 20% in applications for asylum, there was also a significant reduction of 33% in rejected cases. Afterwards, from 2007 to 2008 there was a peak of application for asylum (increase in 37468 applications) also, the number of rejected cases increased in 6473 application. The following periods of 2008-2009 and 2009-2010 showed firstly a decrease and then an increase in applications for asylum. It is curious that the same flow was also verified in the case of rejected cases. Nevertheless, still the question remains: Why are there so many refusals in developed countries? Several factors might be advanced in attempt to provide an answer to this question, such as the idea overflow of “bogus refugees” in opposition to genuine refugees, as explained furthermore. However, Bossin (1999) comprehensively explains that the huge volume of

rejections of asylum applications in developed countries was due to restrictive measures designed to prevent or deter people from seeking asylum in their territories. These measures were put in place as a response to a sharp increase of numbers of refugee movements around world. Moreover, Harrel-Bond (2008) argues that even if restrictions on movement to the North were relaxed, the majority of refugees would remain in first countries of asylum because their numbers are so great. In a final analysis it all seems to converge on a common point: numbers. The case of developing countries shows a different reality with asylum applications strongly connected to the flow of recognized cases over the time.

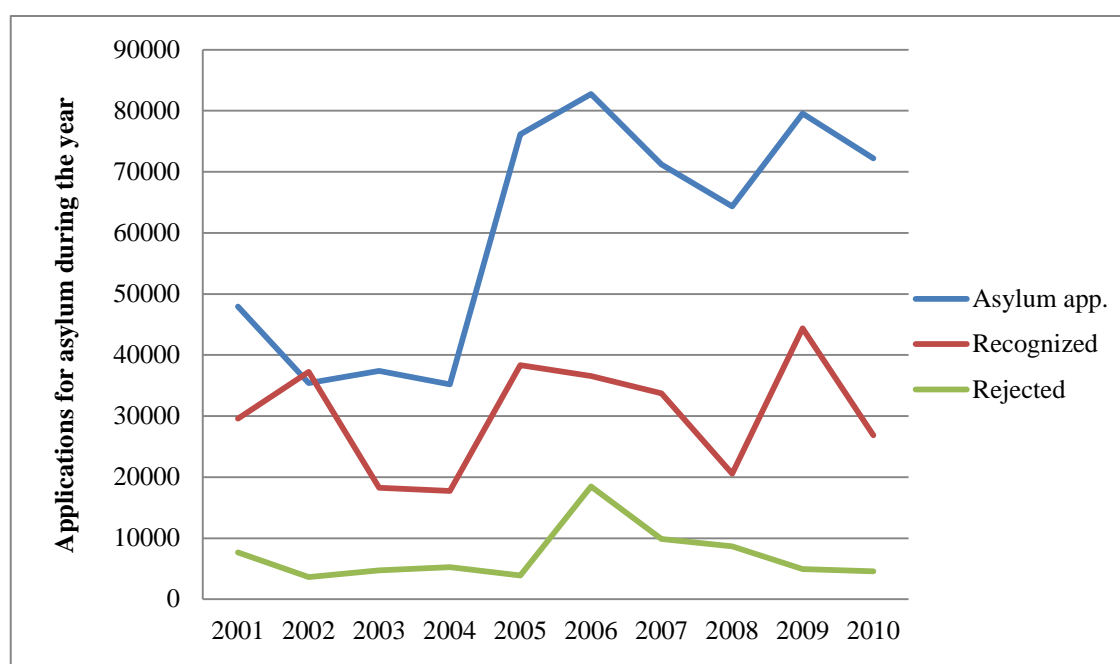


Figure 3.11: Asylum applications in developing countries: rejected and recognized cases  
2004-2010

In developing countries, with the increase or decrease in applications for asylum in a given period of time, there will also be an increase or decrease in recognized cases for the same given periods. The relationship between asylum applications, recognized and rejected application in

developing countries has some particular point that differ from the scenario in the developed countries. For example, from 2001 to 2002, with the decrease of 26% in the asylum applications, there was a 26% increase in the number of recognized asylum applications. For the case of developing countries, the high rates of recognized cases are often associated to mass refugee influx, geographical proximity and cultural identity. However, Bossin (1999) view this situation as an act of generosity from the poor countries considering that, for example, even small countries like Malawi with scarce resources and shortage of land was able to accept more than a million refugee from Mozambique from mid 1980s to early 1990s. Whether the refugee flow is happening in mass or individually, the final decision to accept or reject is conscientiously made by the responsible authority in the country.

Looking at the picture of asylum seekers movement in developed countries through the applications for asylum, the independent variable in RSD is the number of asylum applications in each period. Therefore, the asylum claims will be more or less rejected or recognized according to the volume of applications received. In these cases, the arguments related to economic and material capability to provide for refugees as a condition to accept or reject refugees, although important, it may not be conclusive. For example, in the case of Japan rejection cases seems to unconditionally follow the flow of applications for asylum throughout the years, as illustrated below in Figure 3.12.

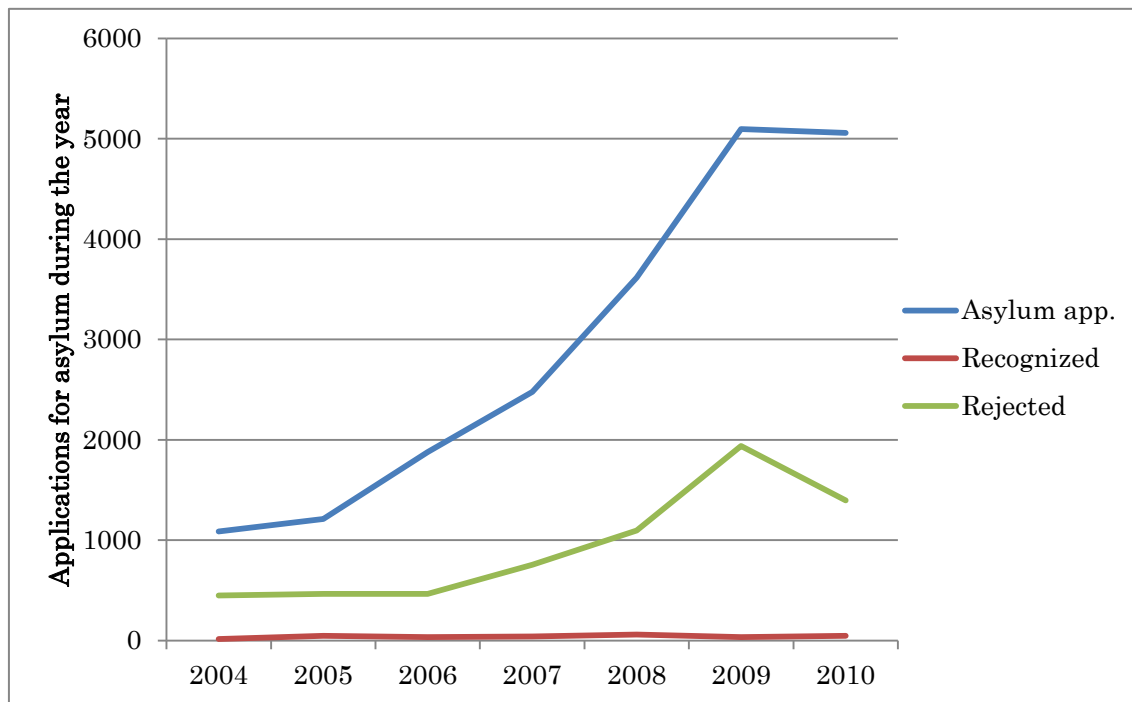


Figure 3.12: Asylum applications in Japan: rejected and recognized cases, 2004-2010

Figure 3.12 suggests that the decisions on RSD are mostly a matter of statistics to maintain a “convenient” proportion of rejected cases according to the flow of asylum applications in developed countries. Vink and Meijerink (2003) also found that the single biggest explanation for the restrictive turnabout in EU Member States asylum policies is surely the problem of increasing numbers. If that is the case, is it possible that a simple shift in main decisions in developed countries to more recognized cases and less rejected could drastically change the picture of refugees’ distribution worldwide?

In order to change the main RSD decision in developed countries from less rejection to more recognition, it is essential to gradually reduce the difference between the rejected and the recognized asylum applications over time until a balanced point can be reached. This shift might be a difficult goal to reach considering the existence of the so called “bogus refugees” as

opposite to “genuine refugees”. The term “bogus” refugees or asylum seekers is often used to justify and reinforce restrictive asylum policies and practices aiming at identifying and exclude asylum seekers that don’t fill the requirements and conditions stated in the 1951 Refugee Convention. In fact, some authors like Every and Augoustinos (2008) argue that the negative construction of asylum seekers serve as a recourse to legitimate anti-asylum laws, actions and practices. However, it is often pointed out that restrictive asylum policies are excluding “genuine” as well as “bogus” refugees.<sup>67</sup> It might be true considering that this separation allows for the harsh treatment of all asylum seekers as the assumption becomes that all asylum seekers are potentially bogus.<sup>68</sup> Additionally, Hassan (2000) explains that deterrence policies are aiming at reducing the number of applicants for asylum, whether they are “bogus” or “genuine” refugees. The evidence presented in the Figures 3.10 and 3.12 shows that the number of application for asylum is the main variable which will influence the rate of rejection. Thus, it make sense that most of asylum policies are mainly aiming at controlling the flow of asylum applications rather than focusing on distinguishing “bogus” from “genuine” refugees.

Moreover, all the analysis on “bogus” and “genuine” refugees pays less attention to the origin of refugees as an important factor to identify countries producing larger volume of genuine refugees. Therefore, for example in 2010, refugees originating from countries experiencing ongoing violent conflicts such as DRC-Congo would have the same RSD treatment as refugees originating in countries without violent conflicts such as Armenia. The fact is that at the core of definition of refugee is the notion of people being persecuted, without protection and with their lives and physical integrity under threat. At this point, their intention is to move to the closest safest place until the threat situation is finished. In this condition, the refugees will have

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<sup>67</sup> See for example Koser (2000: 92).

<sup>68</sup> See Goodman (2008: 111).

immediate access to return to their home countries as soon as conflict or threat situation no longer exist. This can explain why African refugees move in higher number for neighboring countries.

However, looking at the destination countries for refugees from countries of Eastern Europe, such as Serbia and Hungary, the most popular destination country is not a neighboring country. One can assume that the threats and persecution that these refugees are facing are not as eminent as those from African refugees and a large number of asylum applicants from more developed locations are in fact other type migrants such as economic migrants, however “masked” as asylum seekers in order to take advantage from the international refugee protection system. The Council of the European Union (1992) showed the concern about the rising number of applicants for asylum that were not in genuine need of protection within the terms of the Geneva Convention, and this called for more restrictive procedures in the RSD process.

Of course it is very complex to identify genuine refugees and separate them from “bogus” refugees, and each country has its own procedures in the RSD process. But surely it is possible to identify the country of origin of people being persecuted and under immediate threat to their lives, and distinguishes from the countries that are relatively safer considering the proportions of asylum applications in neighboring and non-neighboring countries. It is widely argued and in some cases it is demonstrated empirically that higher number of refugees and asylum seekers move to neighboring countries.<sup>69</sup> Nevertheless in 2010, in popular countries for asylum such as France and Germany, the applications for asylum from all the popular countries of origin of asylum seekers, whether experiencing violent conflict or not, were mostly rejected. In France, 69% of asylum applications from Chad national were rejected in a moment when the country was experiencing moments of armed conflicts.

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<sup>69</sup> See for example, Neumayer, 2004 and UNDP 2010



### **3.6. A perspective for an equitable responsibility in refugees' protection**

With the increase of the numbers of asylum seekers, the cost to respond to their needs also increases. Because the proportion of asylum applications varies from country to country as some are more popular than others, some countries develop bilateral or multilateral schemes to ease the burden in the protection of asylum seekers. These schemes or systems are often referred to as “burden-sharing”. The concept of asylum burden usually refers to all costs that are supported by receiving states during the process of RSD and integration of asylum seekers. It includes providing shelter, food, health and other basic needs or essential services to asylum seekers.<sup>70</sup> Suhrke (1998) explains that an early proposal for refugees' global burden-sharing was promoted by legal scholars in the late 1970s and in the early 1990s. First attempting to match refugee preferences with host countries, and then to reformulate international refugee law in order to develop a global system of responsibility-sharing for refugees. The point raised by the Author was that these burden-sharing schemes were brought up when a country or region was affected by mass influx of refugees. Thus, this initiatives would aim to relieve the burden of isolated countries or region on a temporary basis and thereafter unsustainable over time.

Different studies analyze burden-sharing systems among developed countries through bilateral, multilateral or regional agreements. Less attention is paid to the relationship between developed and developing countries on a global platform.<sup>71</sup> Noll (2000) argues that “one of the reasons is precisely that risks in a regional scheme are a priori more circumscribed than those in a global one”. In this case, the situations in developing countries in Africa which are far from developed regions do not represent a risky condition for developed countries. This fact might help to understand the existing weak link related to asylum burden between developed and developing

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<sup>70</sup> For more detail on the concept and scope of asylum burden, see for example Vink and Meijerink (2003).

<sup>71</sup> See for example the studies of Schuster (2000) and Boswell (2003).

countries. Regarding to asylum burden, Schuster (2000) points out to the alternative of a fairer sharing of financial burden in the distribution of asylum seekers around Europe. This approach could be indirectly or implicitly perceived in the analysis of the donors for the UNHCR. Even though developed countries host smaller number of refugees, the vast majority of donors for the refugees are composed by developed countries. For example in 2012, the donors list integrated only 8 African nations out of a total of 76 countries. Moreover, Japan which hosts one of the lowest number of refugees worldwide, was the second largest donor for the UNHCR.<sup>72</sup> The biggest share of these funds (61.3%) is applied in Africa and Middle-East.<sup>73</sup> Through financial support, developed countries contribute to ease the burden in developing countries. However, the problems faced by refugees in developing countries are still critical. Noll (2000) explains about burden-sharing in forms of norms, money and people. However, considering that developing countries can't efficiently provide basic needs and essential services for asylum seekers, efforts should be put in actions to reduce the numbers of asylum seekers through the intervention of more developed nations. Of course, parallel to the equitable distribution of asylum seekers, it is necessary to improve the conditions in developing countries. Harrel-Bond (2008) concluded that the protection of rights of refugees necessitates and international effort to build new infrastructure in the South (mostly developing countries). These two approaches – distribution of people and improvement of conditions in developing countries – should be interconnected in order to induce a sustainable distribution and better protection of refugees worldwide.

There is a growing conscience in the developed world that it is important to extend the acceptance of asylum seeker over time. The resettlement programs promoted by the UNHCR are an example of initiatives aiming at providing durable solutions for refugees in third countries of

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<sup>72</sup> For more details on UNHCR (2013a).

<sup>73</sup> See UNHCR Global Appeal 2012-2013. Available at <http://www.unhcr.org/4ec230ef0.html>

resettlement. Even though the number of countries adhering to resettlement programs is increasing over time, by 2013 the program only covered 26 countries.<sup>74</sup> There is still little interest in tackling the distribution of refugees on a global perspective.

It is positive that new countries are adhering to the program, and other countries are increasing their annual quotas for refugee protection. However, it is important not to leave aside, as mentioned before, the general reality of acceptance and rejection of asylum seekers. If the gap between acceptance and rejection remains high, the increase in the quotas for refugees' resettlement will produce less impact in the overall distribution of asylum seeker in developed and developing countries.

There are some good examples of Australia and Sweden, which are countries where the difference between rejected and recognized cases is gradually reducing over time. Also, from 2001 to 2010, Canada is an example of a developed country with higher proportion of recognized applications for asylum (120,395) than rejected applications for asylum (113,385). At this trend it is possible to reach a point where the proportion of recognized cases will be higher than rejected cases. However, special attention must be paid to the countries experiencing violent conflict or those with higher volume of asylum seekers moving to neighboring countries as representing the group of people in genuine need of protection. Neumayer (2004) found a similar result in his study on the west-Europe countries, the author concluded that a higher recognition rate in the previous year leads to a higher share of asylum seekers the next year. As for some less popular countries for asylum like Japan, the gap between rejected and recognized cases is increasing over time. In this scenario, the goal of reducing the burden of refugee protection in developing countries will become even more difficult to achieve.

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<sup>74</sup> See UNHCR (2012c).

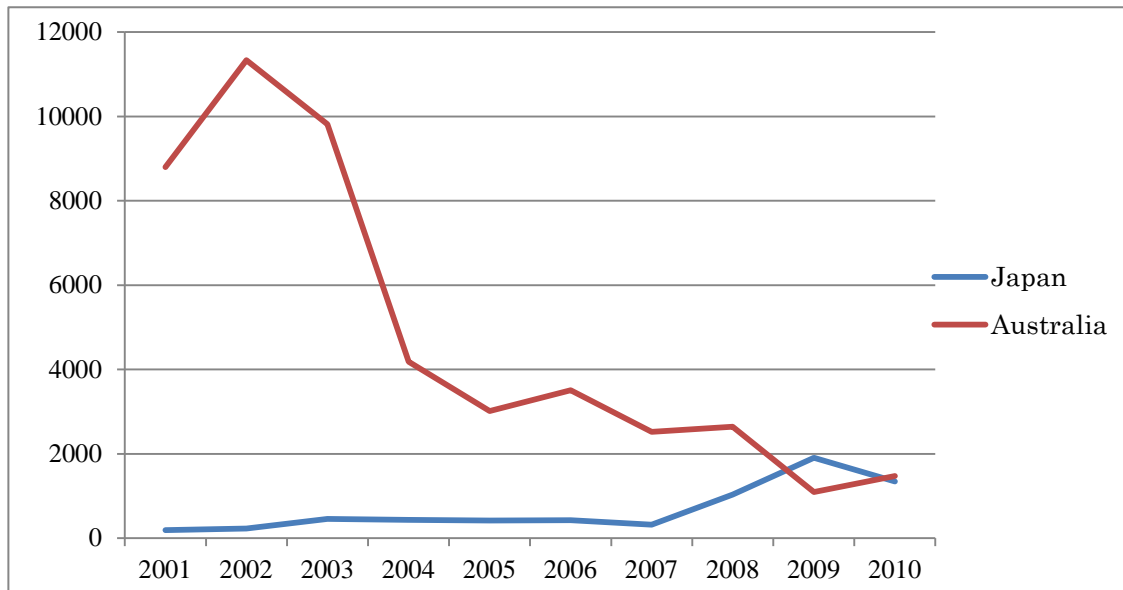


Figure 3.13: Difference between rejected and recognized asylum applications (Japan and Australia, 2001-2010)

The cause for the high rate of rejection by Japan is often attributed to the country's ideology to protect and maintain their cultural, ethnic and language homogeneity.<sup>75</sup> Other researchers like Akashi (2006) argue that Japan's refugee policy has been characterized by institutional and bureaucratic. Financial Aid by itself has been proven inefficient, as it happened in "The Pacific Solution" implemented in Australia during 2001-2007. "The Pacific Solution" is the name given to the Australian government policy aiming at diverting asylum seekers coming to Australia to other island nations in the Pacific Ocean such as Nauru and Papua New Guinea, rather than allowing them to land on the Australian mainland. In exchange, the Australian government would provide financial aid in development assistance to Nauru and Papua New Guinea and would pay the full cost for housing the refugees. What happened is that in Nauru and Papua New

<sup>75</sup> The study of Dean and Nagashima (2007) provides a comprehensive explains about the arguments regarding to the preservation of cultural, ethnic and language homogeneity in japan.

Guinea the asylum seekers were treated in inhumane conditions as captives with lack of water, sanitation and electricity, additionally, the asylum seekers housed under harsh conditions facing health problems violation of human rights.<sup>76</sup> Thus the millions of dollars provided by Australia to these destinations would have less effect on the conditions of asylum seekers.<sup>77</sup> In 2007, the “Pacific Solution” was dismantled and considered to be unsuccessful.

On a final stage, regardless a favorable or restrictive asylum policy, an equitable responsibility in refugee protection in developed countries will depend on the decision to accept asylum seekers and reduce the gap between rejection and recognition of asylum applications.

### **3.7. Summary**

The majority of asylum seekers have origin in developing countries. Among the 67 popular countries of origin of asylum seekers, 28 are in Africa, 15 in Europe, 15 in Asia 7 in the Americas and 2 in the Pacific region. However, in the group of developing countries the patterns of their movements will vary according to their region of origin, whether in Africa, Europe, Asia or the Americas. Within the African continent, 61% of asylum seekers move to a neighboring country on the same level of development (poor countries with HDI value between 0.2-0.5) while in the other region less than 5% of asylum seekers move to neighboring countries. The majority of asylum seekers from more developed regions of Europe and Asia move to a non-neighboring and more developed country. This situation can be analyzed based in arguments related to the geographical distance, the language and economic factors connecting the origin and destination of refugees. The pattern of movements of asylum seekers in Europe, Asia and the

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<sup>76</sup> See Phillips 2012, and Magner 2003 regarding to the conditions in the Islands of Nauru and Papua New Guinea

<sup>77</sup> Phillips (2012) mentions that the Pacific Solution was a costly and highly inefficient exercise estimating the total cost at \$1 billion. Also Magner (2003) explains that the costs associated with the processing of the applications on Nauru have reached 20 million U.S. dollars after only 8 months.

Americas suggests that economic factor is the main variable in the country of destination, since the majority of asylum seekers from this regions move to a highly developed country with a different official language. In these cases, economic migrants are mixed with genuine refugees creating a situation which overwhelms the process for RSD with negative impact in both genuine and "bogus" asylum seekers.

The decisions on RSD strongly influence the disproportionate distribution of refugees worldwide with higher burden in developing countries. In developed countries, the RSD are concentrated in negative decision which will result in the increase of refugees in developing countries. The results presented in this study suggest that the pattern of asylum applications in developed countries is correlated to the asylum applications in developing countries. With the increase of asylum applications in developed countries, there will be a decrease in developing ones and vice-versa.

There is a very strong correlation between the number of applications for asylum and the proportion of rejected cases in developed countries (Figure 3.10). In contrast, in the case of developing countries, the correlation is stronger between the number of applications for asylum and the proportion of recognized cases (Figure 3.11). Especially in the developed countries the rejected cases are influence by the flow of asylum applications. For example, when the volume of asylum applications increases, also increase the number of rejected cases. This suggests that the decisions on RSD are more a matter of statistics, even though they are substantially influenced by domestic asylum or refugees policies. Thus, these policies are deterring the increase of asylum seekers in developed countries, whether genuine or bogus. Therefore there is an urgent need for change in policy and practices of Refugee Status Determination in order to gradually induce higher proportion of recognized asylum claims in developed countries. This

shift will prompt the increase of asylum applications in developed countries and which will conduce to a reduction of asylum seekers in developing countries.

The recognition of an asylum seeker as a refugee is strongly affected by the distinction between bogus and genuine refugees. However, it is often pointed out that restrictive asylum policies are excluding “genuine” as well as “bogus” refugees. In this case, refugees originating from countries experiencing ongoing violent conflicts such as Chad would have the same RSD treatment as refugees originating in countries without violent conflicts such as Armenia and Serbia. Therefore, the concepts of bogus and genuine refugees are used merely as an acceptable argument to legitimate the exclusion of asylum seekers from the developed borders.

It is important to understand that first, refugees are a global phenomenon. Their movements produce impacts that affects developed and developing countries worldwide. Thus, actions to address refugee issues should be undertaken based on a global platform, rather than focusing on isolated countries or specific regions. It is not clear what a fair burden-sharing would be, or what are the exact amounts or conditions for a fair burden share. It depends on a vast range of conditions and contexts regarding to the hosting countries, whether economic, social, demographic and others. However, it is not only important to expand the range of the countries adhering to resettlement programs. More important than that, developed countries should put more effort in order to reduce the gap between rejected and recognized asylum applications. This gap reduction should occur gradually until reaching a shift point where the majority of applications for asylum are recognized. If this doesn't occur, situation like Japan and Spain - where the gap between rejected and recognized asylum applications is growing over time – will perpetuate the inequity in refugee protection between developing and developed countries, with higher burden in poor countries.

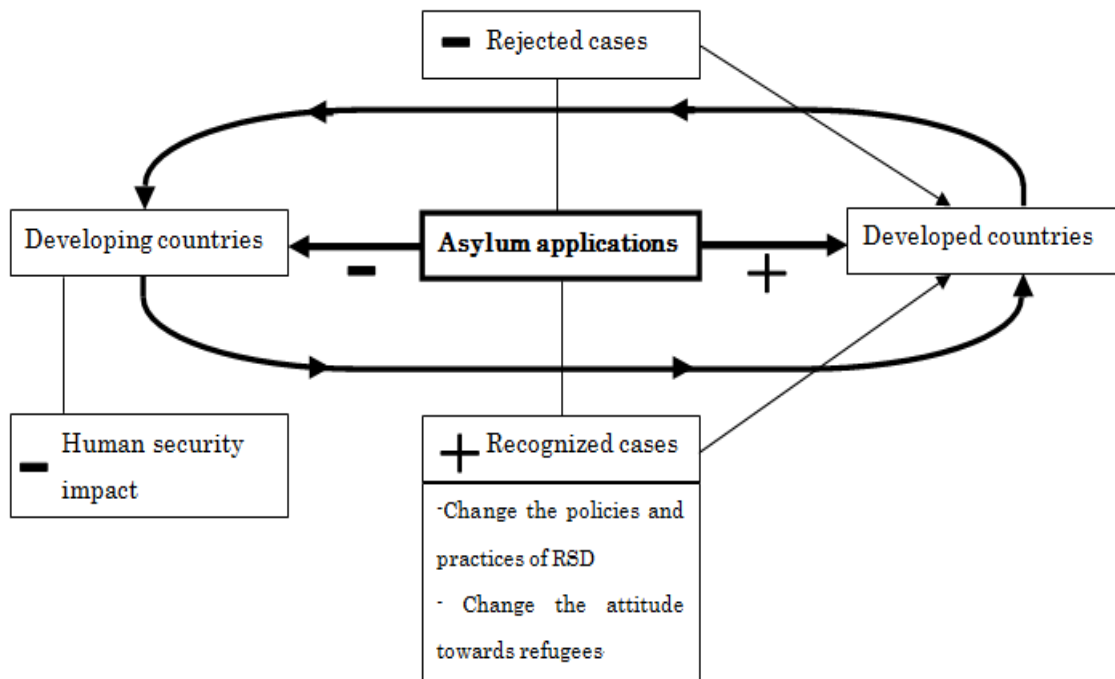


Figure 3.14: A perspective towards an equitable responsibility in refugees' protection

Basically, the Figure 3.14 illustrates a perspective to reduce inequity in refugee distribution and protection worldwide between developed and developing countries. It illustrates that with the change in refugee policies and practice into less restrictive, and also with the change in the attitude towards refugees in order to perceive them more as victims and less as threats, there will be an increase in the volume of recognized cases of asylum applications in developed countries. The increase of recognized cases will prompt the increment in the volume of asylum applications in developed countries and, consequently it will induce the reduction of asylum applications in developing countries. With the reduction of asylum applications in developing countries, also will reduce the stock of refugees in less developed nations. This will produce a positive impact in the efforts to address human security issues of refugees because: (1) with the reduction of refugees in developing countries, also will reduce the proportion of human security problems; (1) a decrease in the stock of refugees will alleviate the budget for refugee protection, making it



more available to a wider range of refugee population. However, it is important to consider that it is complex to present an exact formula or an ideal numeric value or an ideal point of equity in refugee protection considering that refugee movements are a social phenomenon influenced by a diverse set of factors such as economic, cultural, political, psychological, geographical and other qualitative factors. Thus, the study only advances the ideal procedures in order to alleviate the refugee burden of developing countries by increasing the participation of developed nations. The protection of refugees cannot be based in the provision of money to developing countries. More than money, refugees need safety that in several times is not available in neighboring countries where they seek for asylum

## **CHAPTER 4 – REFUGEES IN AFRICA**

### **4.1. Introduction**

In order to understand the particular situation of refugee movements in Southern Africa it is necessary to overview the general situation of refugees in Africa, understanding general patterns of movements and the specifics regional legal documents governing refugee issues in the region. Refugee problems in Africa are associated with several factor induced by human behavior - such as violence, human rights abuse and conflicts - or natural events such as droughts. The forced migration and asylum in the continent is strongly attached to the provision of basic needs – such as food, shelter, domestic energy, water, sanitation, hygiene, education – and reduction of protracted situations.<sup>78</sup> Addressing these issues efficiently concurs to mitigate human security constraints faced by refugees.

### **4.2. Past and present trends**

During the 1950s and 1960s, colonization was the main cause producing African refugees, as many came from colonized countries or territories under control of foreign authorities. However, with progressive independence of African nations, the number of refugees did not decrease, on the contrary it grew fast over the years with the subsequent eruption of civil wars in the newly independent countries.

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<sup>78</sup> See UNHCR, 2013.

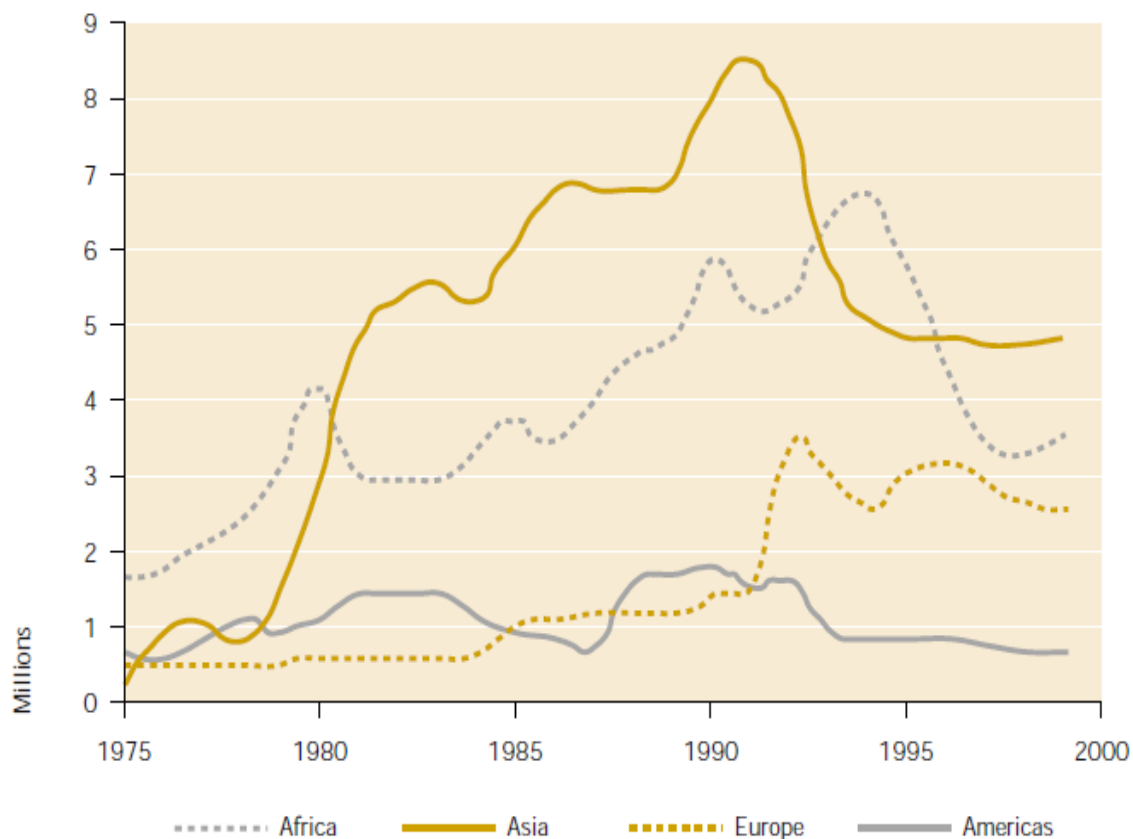


Figure 4.1: Refugees by main region of Asylum, 1975-2000

Source: UNHCR, 2000

Currently in Africa, the number of refugees is still alarming as many flee local violent conflicts or political persecution. Additionally, also argued by Schultheis (1989), the rise of environmental problems such as drought and the persistency of famine have also produced a considerable number of refugees.

There are two important facts to notice about the refugee situation in Africa: (1) The number of African refugees has been varying within the interval of 2 to 3 million refugees; (2) Even though the number of refugees in Africa has been decreasing over time, it does not necessarily mean that the number of people being forcibly displaced is reducing. In fact, the number of Internally

Displaced Persons (IDP) has been increasing which illustrates that the conflicts and insecurities in Africa are still a serious problem.

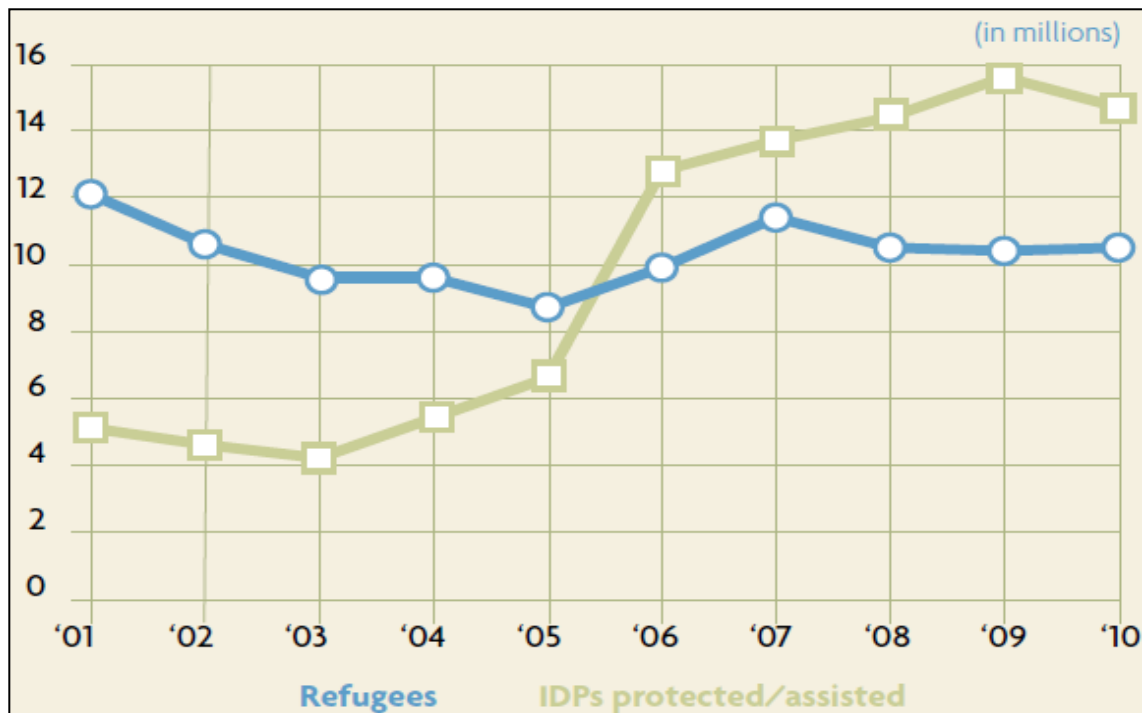


Figure 4.2: Refugees and IDPs, 2001-2010

Source: UNHCR, 2011a.

According to Global Protection Cluster (2010), IDPs are:

Persons or group of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situation of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed and internationally recognized State border”.

The IDPs represent a very important group in the picture of forced migration or conflict-induced migration. However, they are not the central focus of this research, because this research focuses

on people moving across borders and IDPs move within the borders of the country of habitual residence.

The high rates of recognized asylum claims in the African continent suggest that it is indeed true that refugees are welcome in most of the African countries. As explained furthermore in chapter 5 and 6, the refugee policies of several African countries present very restrictive clauses deriving from the reservation to the 1951 Refugee Convention. However, in practice a very large group of refugee benefits from rights that were restricted by the receiving country at the moment of submission to the 1954 Refugee Convention. These rights included access to education, health, freedom of movement and employment.

This solidarity with refugees in Africa has not been permanent or regular. There have been situation in which refugee flows are sees as a threat to national security as explained in Chapter 2. In several time, countries has deliberately closed their border to refugees. For example, in 2011 the Zimbabwean government closed its borders in the face of Somali and Ethiopians refugees fleeing danger in their country, accusing them of using Zimbabwe as a transit point to South Africa.<sup>79</sup> In 2007, the Kenyan government closed their northern borders to Somali refugees in order to prevent Islamic fighters from entering the country. A spokesman from Kenyan governments would later explain: "We needed to close the border so we could closely vet all refugees".<sup>80</sup> In Zambia 2008, the situation was even more dramatic when the government decided to close their borders to any refugee coming from DRC because of threats to public health of the country. The Permanent Secretary of Ministry of Interior in Zambia explained: "If

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<sup>79</sup> Information passed on local news, also through Africa Review available at: <http://www.africareview.com/News/Zimbabwe-to-turn-away-refugees-and-aliens/-/979180/1204430/-/a6quu1z/-/index.html>

<sup>80</sup> See the New York Times, January 4, 2007.

they come in, we are immediately sending them back because their entering the country could be a recipe for the fears of mysterious diseases becoming real”.<sup>81</sup> As explained, the reasons for *refoulement* of refugee in Africa are diverse. Restrictive measures are enforced in order to prevent refugees from transiting in the country; Protect the country from public health threats; Avoid the entrance of rebels and armed forces member, terrorist or criminals. This last reason for restrictive measures has been regarded as the most influential because of the threats it carries to domestic and regional security. Different from most of developed countries the restrictive practices regarding to the admittance of refugees in Africa are not founded on economic bases. It is more related to security threats associated to violent conflicts.

Thus, in addition to incidents such as those mentioned above, there have been others where governments have deliberately refused to grant refugee status to asylum seekers even in situations where they fully fill the requirements for refugee status. In many countries in Africa, there are large accumulations of asylum applications awaiting adjudication for years.

Table 4.1: Refugees and asylum seekers residing in selected African countries, January 2013

Country	refugee	asylum seeker	Total of refugees and asylum seekers residing in the country
Mozambique	4,398	8,200	12,598
Malawi	6,544	10,120	16,664
Gabon	1,663	2,380	4,043

Source: UNHCR Africa. Available at: <http://www.unhcr.org/pages/4a02d7fd6.html>

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<sup>81</sup> IRIN, 2008.

Mozambique, Malawi and Gabon represent unique cases in which the number of asylum seekers is higher than the number of refugees residing in the country. Those countries have a very high proportion of protracted refugee situations.<sup>82</sup>

### 4.3. Refugee policies in Africa

The legal regime governing refugee law in Africa is comprised of several regional and sub-regional main legal instruments.

Table 4.2: Selected main legal instruments for refugee protection in Africa

Legal Instrument	Year
OAU African Charter on Human and Peoples' Rights	1981
OAU Convention Governing the Specific Aspects of Refugee Problem in Africa	1969
Addis Ababa Document on Refugee and Forced Populations Displacement	1994
Khartoum Declaration on Africa's Refugee Crisis	1990
Resolution on the Second International Conference on Assistance to Refugees in Africa	1983

It is noteworthy that a vast majority of African States have ratified these international agreements. The 1969 Organization of African Unity (OAU) Convention on refugees is the most widely used in African nations and the central focus of this section, first because it recognizes the distinct situation of refugee movements in Africa which is one of the main arguments of this

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<sup>82</sup> The situation of protracted refugees situation is analyzed in chapter 2 and 6 of this thesis.

thesis; second because it widens the definitions of refugees in order to integrate group of forcibly displaced people that were not protected by the 1951 Refugee Convention

#### **4.4. The OAU Convention**

Refugee movement in Africa is unique because of its history of colonization, liberation wars and civil conflicts. Additionally poverty, crime and environmental problems also shape African forced migration in its distinct patterns and trends throughout the entire African continent. Thus, in Africa, the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969 OAU Refugee Convention) provides an alternative source of protection for persons not covered by the 1951 Convention. The document act as the regional complement to the 1951 Refugee convention especially in the definition of refugees as explained furthermore in Chapter 6. It represents a clear advancement in the protection of refugees because it extends the international protection beyond the criteria established in the 1959 Refugee Convention. Furthermore, the 1969 OAU Refugee Convention strengthens the principle of asylum by clarifying the prohibition on *refoulement*. It states that:

“No person shall be subjected by a Member State to measures such as rejection at the frontier, return or expulsion, which would compel him to return to or remain in a territory where his life, physical integrity or liberty would be threatened...” (Article 2, paragraph 3)

This articles brings clarity to the ambiguity in the 1951 refugee convention by specifying the manners or actions that would lead to the return of refugees to areas where they life would face danger. With this concept extension, the recognition of refugee is not only based on the personal conditions of individual applicants and being persecuted, but also considers the current situation in the country of origin.



#### **4.5. Refugees and national/regional security: The Great lakes refugee crisis and its impact on regional security**

The Great Lakes Region of Africa usually refers to the area surrounding the lakes Victoria and Tanganyika. This mainly comprises Tanzania, DRC, Rwanda, Burundi and Uganda.



Figure 4.3: African Great Lakes region

The Great Lakes refugee crisis designates the situation of political instability caused by armed conflicts involving the countries in the region and several other African countries. Various studies place the center of the crisis in the year of 1994 with the advent of the genocide in

Rwanda.<sup>83</sup> However, the roots of these conflicts goes way back before 1994 with refugees playing a fundamental role in the crisis.

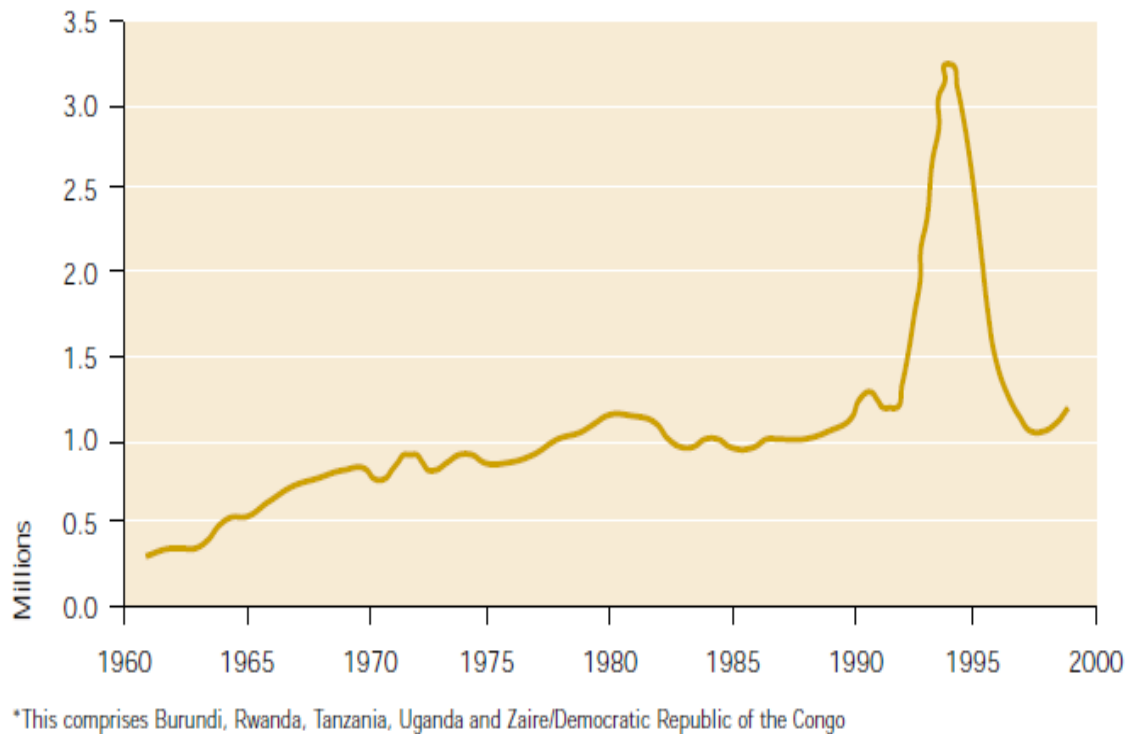


Figure 4.4: Number of refugees in the Great Lakes region, 1960-2000

Source: UNHCR, 2000

In order to understand the global figure of the conflict in the great lakes region and the influence of refugees, it is important at first to understand the root causes of the conflict at the core of the great lakes region which is Rwanda. Analyzing the linkage between refugees and regional security will bring some insight in the relationship between refugees, state security and human security.

<sup>83</sup> See for example Cooper 2002; UNHCR, 200; Taylor, 2010.

During the First World War, Germany, lost possession of Rwanda to the Belgian authorities. With the decolonization in the 1950's tensions increased in Rwanda. In November 1959, there was a Hutu uprising in which hundreds of Tutsi were killed and thousands displaced and forced to flee to neighboring countries such as Burundi, Uganda, former Zaire and Tanzania. By 1962, when Rwanda gained independence, 120,000 people, primarily Tutsis, had taken refuge in neighboring states to escape the violence which had accompanied the gradual coming into power of the Hutu community. After independence, Tutsi refugees in Tanzania and Zaire seeking to regain their former positions in Rwanda began organizing and staging attacks on Hutu targets and the Hutu government in Rwanda. By the end of the 1980s some 480,000 Rwandans had become refugees, primarily in Burundi, Uganda, Zaire and Tanzania.<sup>84</sup>

In 1988, the Rwandan Patriotic Front (RPF) was founded in Kampala-Uganda as a political and military movement in order to support the Tutsis in exile and organize their return to Rwanda. The RPF was composed mainly of Tutsi refugees in Uganda. In August 1993, through the peacemaking efforts of the Organization of African Unity and the governments in the region, the signing of the Arusha Peace Agreements appeared to have brought an end to the conflict between the then Hutu dominated government and the opposition Rwandan Patriotic Front (RPF).<sup>85</sup> In October 1993, the Security Council established the United Nations Assistance Mission for Rwanda (UNAMIR) with a mandate encompassing peacekeeping, humanitarian assistance and general support for the peace process.<sup>86</sup>

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<sup>84</sup> United Nations. *Rwanda: A Brief Colonial History*.

<sup>85</sup> Arusha Peace Agreements was an agreement signed in Tanzania, in order to end the conflicts between the Tutsis and the Hutus of Rwanda on 5 April 1993.

<sup>86</sup> United Nations. *Rwanda: Brief History of the Country*.

On 6 April 1994, the Presidents of Burundi and Rwanda died in a plane crash caused by a rocket attack. After this event, systematic massacres began: The killings - as many as 1 million people are estimated to have perished - shocked the international community and were considered acts of genocide. On 21 April, the UNAMIR force in Rwanda reduced from an initial 2,165 to 270. The negative consequences in the Rwanda conflict and massacres were aggravated by the absence of response of the international community. The capacity of the United Nations to reduce human suffering in Rwanda was severely constrained by the unwillingness of Member States to respond to the changed circumstances in Rwanda by strengthening UNAMIR's mandate and contributing with reinforcement of troops. In other areas, killings continued until 4 July 1994 when the RPF took military control of the entire territory of Rwanda and this marked a shift in the current conflict conjuncture affecting the security situation in all the region.<sup>87</sup>

With RPF on power after 1994, government officials, soldiers and militia who had participated in the genocide fled to the Democratic Republic of Congo, then Zaire taking with them 1.4 million civilians, most of them Hutu who were afraid of retaliation from the Tutsi. Once again, the refugee camps were also used by former Rwandan government soldiers to re-arm and stage invasions into Rwanda with the support of Zaire government. The attacks were one of the factors leading to the war between Rwanda and the Democratic Republic of Congo that took place in 1996. On one hand, former Rwandan forces continue to operate in the DRC alongside former Zaire. On the other hand, the newly proclaimed Rwanda government intervened in Zaire to stop the attacks with the support of Zaire military groups opposing the local government.<sup>88</sup> Soon, countries all over the African continents started to take part in the conflict supporting Rwanda or Zaire. For example, while Zimbabwe, Angola and Namibia showed interest on the side of Zaire,

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<sup>87</sup> United Nations. *Rwanda: A Brief Colonial History*.

<sup>88</sup> United Nations. *Rwanda: A Brief Colonial History*.

Burundi and Uganda were supporting the operations of Rwanda Government in Zaire. This conflict involved armed forces of at least seven African countries. The conflict ended in 2003, when the Transitional Government of the Democratic Republic of the Congo took control of the country.<sup>89</sup>

The Great Lakes crisis is a clear illustration of the entanglements between refugee, internal security/regional security and human security, forming a “security triangle” involving: (1) Refugees as individuals moving in seek of security; (2) The state of asylum as responsible for refugee protection; (3) The state as a source of insecurity in the origin of refugee movements. In this three-element relationship, refugees are the independent variable influencing which will affect the security in both origin and receiving country. These are the situations in which refugees exist as political actors affecting the security status of the region.

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<sup>89</sup> For more details on the conflict in the Great Lakes region, see also Lamarchand, 1998; Taylor, 2001.

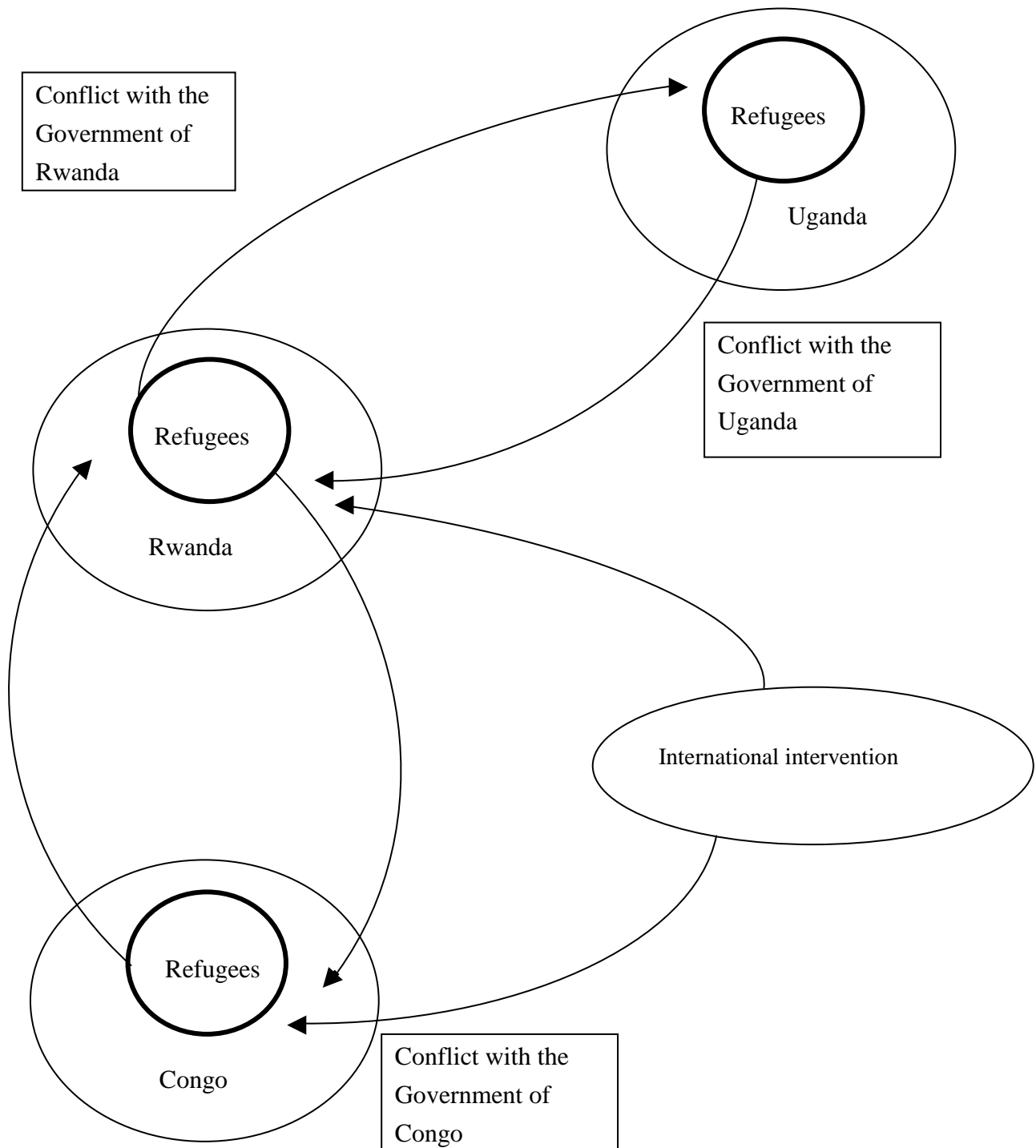


Figure 4.5: The Great Lakes crisis dynamics

Sadako Ogata mentioned that refugees are a barometer of security status for a specific region or countries. However, rather than just a passive actor in the conflict scenario, they can also be active intervening in conflict situation and achieving peace, as it happened in the Great Lakes crisis. In the case of the Great Lakes region, the movement of refugees would bring along conflict to the country of settlement. They moved to Uganda and intervened in internal conflicts and also staged attacks to the country of origin. The same happened in Congo.

#### **4.6. Summary**

Refugee issues in Africa represents a concern for all the continent rather than isolated problem for the countries producing and receiving refugees. The Great Lakes crisis illustrates the influence of refugees in regional and countries security. However, these experiences can produce negative impact in the form refugees are perceived (explained in Chapter 2). Neighboring countries receiving refugees will be selective according to the origin and the relationship with the hosting country which will result in aggravated threats to human security of refugees. For example, on the edge of Great Lakes crisis, Government of Burundi and Uganda was inclined provide asylum to a bigger number of Rwanda refugees than Congolese. Other countries in the region that didn't participate in the conflict were forced to strengthen the control of their borders in order to prevent spillover effects. Refugees in Africa represent a "double-edged sword", on one side they can represent vulnerable group of people to which the African nations will have the solidarity and provide immediate help. On the other hand, they represent a threat to the country of origin and the country of asylum. In this situation, receiving countries will be more vigilant and strict regarding to acceptance and freedom of refugees inside their territories.

## **CHAPTER 5 – REFUGEE MOVEMENTS IN SOUTHERN AFRICA**

### **5.1. Introduction**

The Southern African region is the southernmost region of the African continent. The integrating countries vary in number according to geographical and geopolitics factors.

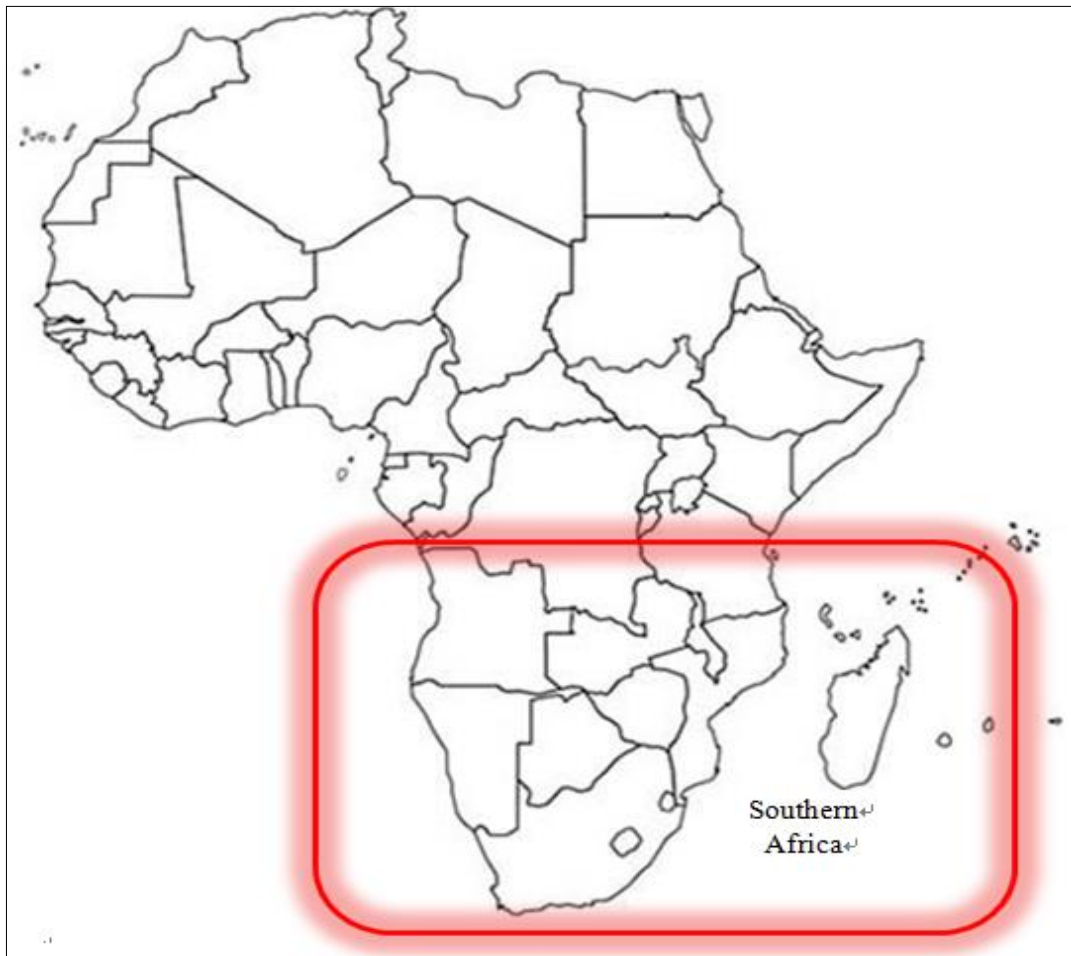


Figure 5.1: The Southern African region



Southern African Development Community (SADC) comprises a total of 15 countries including Democratic Republic of Congo.<sup>90</sup> However, this study was based on the Southern African countries list in use by the UNHCR which excludes DRC as a country in the Southern African region. Therefore the Southern African countries include Angola, Botswana, Comoros, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Zambia and Zimbabwe.<sup>91</sup>

Due to political, social or natural threats in their domicile country, a large number of people are forcibly displaced as refugees. In the year 2011, the number of refugees in the African Continent alone accounted for more than 2 million. Refugee movement is a result of social and natural events that has been happening in the world on different stages in human history including the colonization periods and the World Wars I and II.<sup>92</sup> For the case of Africa, Adepoju explains that in the 1960s and early 1970s, the majority of African refugees originated mainly from three territories which were under Portuguese rule - Angola, Guinea-Bissau and Mozambique.<sup>93</sup> These refugees were living mostly in three neighboring countries sympathetic to the liberation cause, namely, Zaire, Senegal and Tanzania. This fact leads to discussions on neighboring and non-neighboring countries and secondary migration in relation to the destination country of refugees, which have become a focus of interest in recent studies.<sup>94</sup> In previous literatures, two standpoints of discussions can be identified. On one side, some researchers stress the fact that asylum seekers would move to neighboring countries depending on the length of distance and economic costs of migration, or because their primary purpose is to reach safety in a nearby

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<sup>90</sup> See SADC Member States available at: <http://www.sadc.int/member-states/>

<sup>91</sup> See UNHCR Southern Africa. Available at: <http://www.unhcr.org/pages/49e45abb6.html>

<sup>92</sup> See for example Zolberg, 1986.

<sup>93</sup> Adepoju, 1982.

<sup>94</sup> See S. E. Zimmermann, 2009; Neumayer, 2004; Kunz, 1981.

country.<sup>95</sup> Some other approaches argue that the first country of asylum is mostly a neighboring country and it might present even greater risk to asylum seekers, which compels refugees to move on into farther countries (Legomsky 2003). In this respect, it is important to notice that, even though the main cause might be similar, the dynamics of refugee movements then and now are influenced by different factors. Zolberg *et al.* (1986), also points out the existence of distinctive elements determining the refugee flow in the past as well as present contemporary scenarios. In fact, it makes sense that during the war of independence in the 1960s and 1970s most refugees had moved to neighboring countries because one of the main goals was to support nationalist fighters and stay close to their home countries to ease the return. This was the case of Mozambican refugees moving to Tanzania during the liberation war with Portuguese authorities, and also Zimbabweans refugees fleeing to Mozambique during the war of independence against Britain domain.<sup>96</sup> In this case, the cause of refugee flow was the conflict between foreign forces and native population. However, after the colonial period and the independence of African nations, the conflicts that followed were mainly among the African populace, even though there might have been some external interventions. The refugees produced in these circumstances would face greater risk in nearby countries because of alliances or rivalry between governments, resulting in a preference to migrate even farther from neighboring countries. Therefore, refugees would move across regions, from the central and northeast of Africa to Southern Africa. In this situation, understanding the movement of refugees becomes even more complex. It includes concepts and notions of “third country of asylum” or “country of first asylum” and “secondary migration” especially when during the flight, the refugees pass through one or more countries before reaching their final destination.<sup>97</sup> Nevertheless, most of the arguments regarding the flow

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<sup>95</sup> See Otunnu, 1994; Neumayer, 2005a; Kunz, 1973.

<sup>96</sup> See Jacobson, 1977.

<sup>97</sup> Hailbronner, 1993.

of refugees to nearby or distant countries are mostly based on specific case studies, paying less attention to the overall figure of refugee movements from different points of origin to a specific location or region.

Refugee movements in Africa are not only analyzed through the lens of geographical proximity/neighboring or non-neighboring countries. There are several other factors that must be taken into account. This includes arguments related to socio-economic situation in the country of origin and destination, the role of culture and language similarities and the existence of colonial ties between the country of origin and destination of asylum seekers. From the analysis of refugee definition based on the United Nations Convention of 28 July 1951, as modified by the Protocol of 31 January 1967 (both documents relating to the status of refugees) it is clear that refugees are perceived as people who live in fear, located outside of their countries of nationality and unable to obtain protection from their country of origin. From these interpretations it seems logical to assume that after fleeing their homes, the main priorities for refugees should be safety in terms of physical integrity, health, food, housing, and furthermore, education and other social-economic conditions. Richmond (1993), studied types of refugee movements and argues that extreme inequalities of wealth and resources between different countries and regions of the world are among the predisposing factors, which increase the probability of reactive migration. Moreover the same author explains that such inequalities, when combined with political instability, create the conditions which refugee movements are likely to occur. Considering the value of the Human Development Index, it is reasonable to assume that more developed countries would have better ability to provide safety and security in terms of the immediate needs required by refugees in comparison to developing countries. Therefore it would be acceptable to assume that countries with higher HDI would be the popular choice for people seeking asylum.

In spite of that, the analysis in this study shows that a large number of refugees intend to go to less developed countries like Mozambique. In some cases, those countries fail to provide appropriate protection and security in terms of basic needs for refugees which sometimes further deteriorates the living conditions of refugees leading to fatal results.

With this perspective, the study examines trends and patterns of refugee movements in Southern Africa. The analysis starts with quantitative evidence with reference to the HDI and GDP of the destination country, and then expands beyond the numbers, considering theories and facts that provide a more comprehensive view of the phenomenon. Moreover, the study provides a comparative analysis between southern African countries and European Union countries in order to illustrate the distinct patterns and trends of asylum seekers movement in Southern Africa. It is important to consider that movement of people often coincides with adverse outcomes when it occurs under conditions of restricted choice, such as conflict-induced migration in the case of refugees.<sup>98</sup>

## **5.2. Moving down towards Southern Africa**

The situation of refugees flow into Burundi is quite understandable taking into consideration that Burundi shares borders with countries that has experienced violent conflicts like Rwanda and Congo (DRC). Therefore, the majority of the refugees in Burundi are originated in these two countries.

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<sup>98</sup> For more details, see chapter 2 of Human Development Report, 2009.

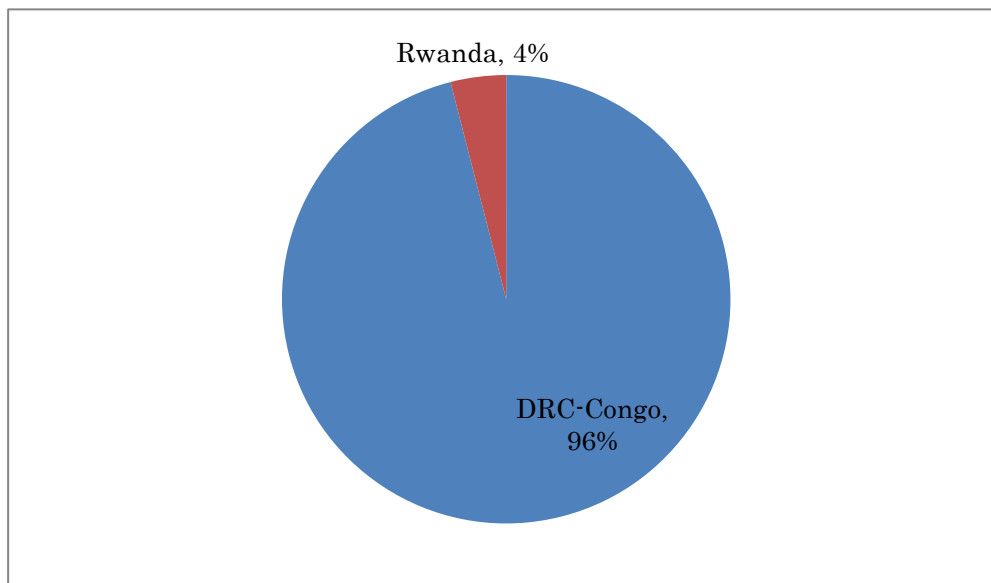


Figure 5.2: Asylum seekers in Burundi by origin, 2010

One of the explanations for the refugee flow into Burundi consensually falls into the argument of geographic proximity because majority of the refugees are from neighboring countries. Day and White (2001) also used geographic proximity as a foundation for explaining the asylum applications from Albania to Italy; from Russia to Finland and from Romania to Austria. Moreover, Moret *et al* (2006) studied the movement of refugees from Somalia, and their study points out that since the majority of refugees did not have time to plan their complete journey in advance, most of them simply fled to the nearest zone of safety. This might be the case of refugees in Burundi.

However, in the case of Mozambique, all the applications for asylum in 2010 were not originated from neighboring countries and the majority of the applications came from the Great Lakes region and the Horn of Africa, mainly from DRC, Somalia, Burundi and Rwanda. The same situation is also found in Zimbabwe which is a neighboring country of Mozambique. A

preliminary approach to understand the situation can be based on the security status in the African regions.

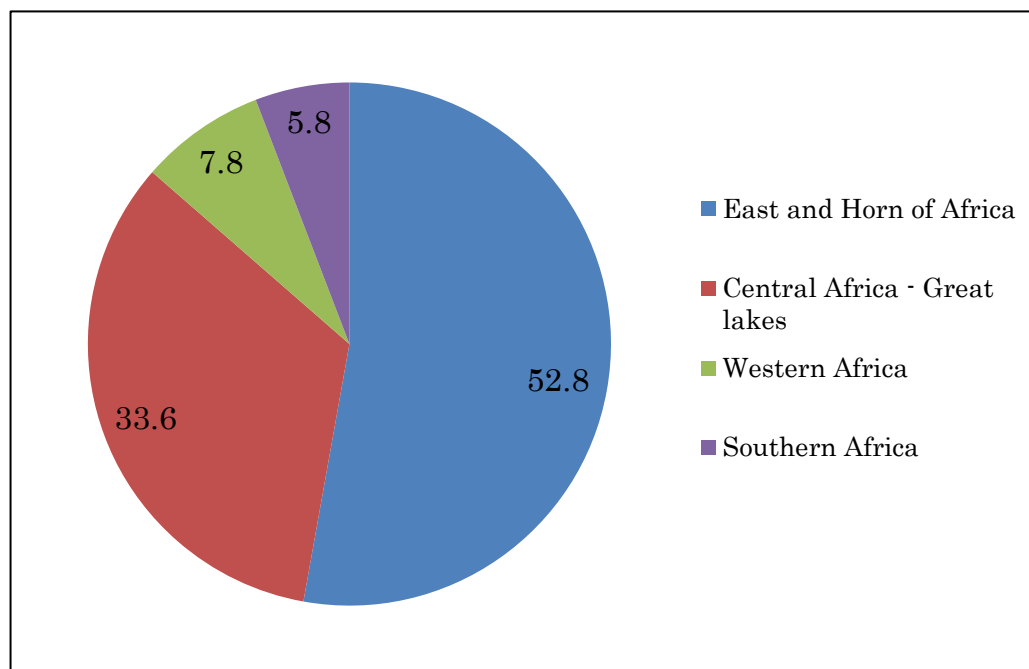


Figure 5.3: Origin of refugees in Africa by regions, 2010.<sup>99</sup>

It is of common knowledge that refugees are fleeing from insecure regions and seeking safety. The Figure 5.3 shows the number of refugees produced by each African region. It illustrates that the Southern African region is the safest region in the continent because it produces the smallest amount of refugees (5.8%). The region has experienced long period of peace and stability with the collapse of apartheid in South Africa in 1994 and the end of armed conflict in Angola in 2002. Since then, the country has experienced rapid economic growth and development. Thus, the region became attractive for migration.

<sup>99</sup> The figure was prepared by the author, based on quantitative data from UNHCR Statistical Yearbook 2010.

Other countries of Southern Africa such as Botswana and Namibia also present larger number of applications from asylum originating from countries that are not contiguous with the destination country as shown in Table 5.1.

Table 5.1: Applications for Asylum in Mozambique, Zimbabwe, Botswana and Namibia by origin, 2010

Country of origin	Mozambique	Zimbabwe	Botswana	Namibia
Angola	1	0	0	0
Burundi	335	52	0	28
Congo	4	0	0	0
Cameroon	0	0	0	2
Chad	0	0	0	1
Côte d'Ivoire	6	0	0	0
Congo (DRC)	1376	788	24	260
Eritrea	0	3	0	1
Ethiopia	94	3	0	0
Guinea	3	0	0	0
Liberia	5	0	0	0
Malawi	0	0	0	1
Rwanda	218	125	2	16
Somalia	825	7	2	3
Sudan	8	0	1	1
Tanzania	0	0	0	1
Uganda	4	0	3	3

Table 5.1 (Continued)

Zambia	0	0	0	1
Zimbabwe	0	0	45	0
Total	2879	978	77	327

It is important to consider that the four countries of destination listed in Table 5.1 are located in the Southern African region. Additionally, they are all located in a row along the same geographical position right above the Tropic of Capricorn. These features combined place these countries on a common position on the board of refugee movements towards the Southern part of Africa. The fact that Mozambique receives the majority of Somali refugees (98.7%) in to comparison with Zimbabwe, Botswana and Namibia, is an indicator that the geographical position of a country plays an essential role in refugee influx. Mozambique and Somalia are located along the coastline of the Indian Ocean. Subsequently, refugees coming in from Somalia to Mozambique, usually travel by sea, seeing Mozambique as a more favorable destination before South Africa.

Based on the application for asylum lodged in Mozambique, Zimbabwe, Botswana and Namibia, and the decisions that followed regarding the refugee status determination from 2004 to 2010, one identical element can be identified: All the countries present very high rates of ‘otherwise closed cases’(see Table 9). According to the UNHCR (2005a), a file on refugee status determination is closed in the following situations; (1) The applicant does not attend the RSD interview and is deemed to have abandoned the refugee claim; (2) The applicant withdraw the application for RSD; (3) The applicant does not appeal for a RSD decision or if the appeal is rejected; (4) The applicant is deceased or has been legally naturalized; (5) Conditions of administrative procedures.



However, through the analysis of the decision on RSD in the referred four countries , one obvious question can be asked: why are the decisions on RSD not centered in ‘recognized’ or ‘rejected’ as the major decisions in RSD, and instead, it has ‘otherwise closed’ applications with significant weight in the overall decisions on RSD? If the applicants abandon the refugee claim – based on the evidence of “otherwise closed” applications - , where do they go?

### 5.2.1. South Africa: the African safe heaven?

Table 5.2 provides an overview of the total decisions on RSD in five countries (Mozambique, Zimbabwe, Botswana, Namibia and South Africa) categorized into “Recognized”, “Rejected” and “Otherwise closed”, from 2004 to 2010.

Table 5.2: Decisions on RSD (Mozambique, Zimbabwe, Botswana, Namibia and South Africa, 2004 – 2010)

Country	Recognized (%)	Rejected (%)	Otherwise closed (%)
Mozambique	34.0	13.7	52.3
Zimbabwe	28.8	0.5	70.7
Botswana	49.0	2.3	48.7
Namibia	32.5	5.3	62.2
South Africa	13.3	86.5	0.2

The patterns of decisions on RSD for Mozambique, Zimbabwe, Botswana and Namibia show similar points: (1) They all present higher rate for ‘otherwise closed’ applications for asylum compared with the proportion of rejected applications for asylum; (2) The proportion of

recognized applications for asylum is always higher than the proportion of rejected applications for asylum. Nevertheless, the situation of RSD decision in South Africa (which is a contiguous country with Mozambique, Zimbabwe, Botswana and Namibia) presents an opposite pattern, with less 'otherwise closed' and more rejected than recognized cases. Neumayer (2005b) concluded that a deterrent effect of low recognition rates on asylum applications is both plausible in theory and demonstrated in empirical studies. However, it does not seem to apply in the case of South Africa which has a very low recognition rate but it is still a highly popular country of destination for asylum seekers. From 2001 to 2010, the rate of recognized asylum applications dropped from 12.2% to 2.9% while the volume of absolute numbers in applications for asylum increase from increased significantly. It is not comprehensive to analyze the refugee movement in Southern Africa based solely on migration theories that explain movement of people in other continents such as Europe. In the case of South Africa, many other factors concur to explain the popularity of the country and the increasing volume of applications for asylum. Important factors such as network of people, rights of refugees and economic opportunities might play a more significant role attracting asylum seekers to the country

Collinson (1996) points out the existence of an 'asylum buffer zone' in the west European region. Based on several assumptions, the author used the term to denote a geographical zone close to an intended destination for asylum. One of the characteristics of this zone is that it was composed by European states that had less financial resources to control their borders. It is possible that the contrasts on RSD in the Southern African region might be explained through a similar perspective if we consider that Mozambique, Zimbabwe, Botswana and Namibia act as "sanctuaries" for asylum seekers moving towards South Africa.

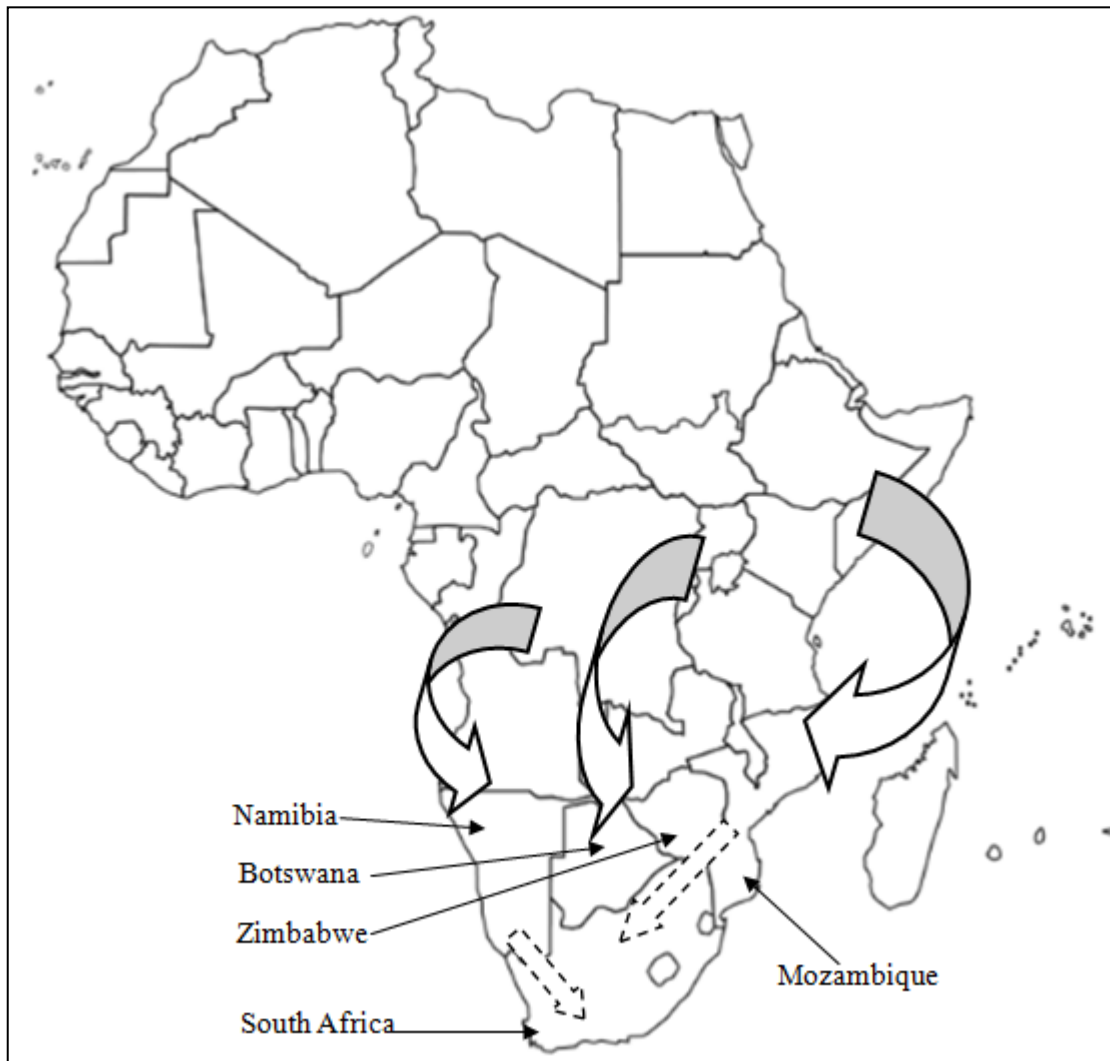


Figure 5.4: Patterns of refugee movements in Southern Africa, 2010

In this case, one attractive condition of these sanctuary-countries would be their geographical position in proximity to potential migrant-receiving country such as South Africa. Moreover, in these countries, especially Mozambique, the border control is not as strong as it is in South Africa which is a similar condition that Collinson (*ibid.*) also found for the ‘buffer states’ in Western Europe.

It is a fact that South Africa is the most popular destination for refugees in the world (in 2010), and most of the available data suggests that the primary reason for migration to South Africa is due to variation in economic opportunities.<sup>100</sup> This is relatively true if we consider that the pattern and trends of RSD in South Africa resembles the situation in the most developed countries which present more ‘rejected’ than ‘recognized’ application for refugee status. Besides, upon ratification of the 1951 United Nations Refugee Convention, South Africa did not make any reservation to the document.<sup>101</sup> This places South Africa in a unique and top position among the rest of the countries in the region in terms of refugee rights and freedom.

Table 5.3: Reservations to the 1951 UN Refugee Convention (Mozambique, Zimbabwe, Botswana, Namibia and South Africa).<sup>102</sup>

Articles	Mozambique	Zimbabwe	Botswana	Namibia	South Africa
Movable and immovable property – Art. 13					
Right of association – Art. 15					
Wage-earning employment – Art. 17					

<sup>100</sup> Landau and Segatti, 2009.

<sup>101</sup> UNHCR, 2011.

<sup>102</sup> The squares with textures indicate the reservation made by the respective country.

Table 5.3 (Continued)

Public education – Art. 22					
Freedom of movement – Art. 26					
Expulsion – Art 32					
Naturalization – Art. 34					

On one side, Mozambique appears as the country with more reservations towards refugees rights and freedom. However, on the other side, the country appears at the borderline in the group of highly attractive countries for asylum, such as South Africa (vide Figure 1.2).

All these geographical, economic and policy related factors that might explain the refugee flow into the Southern African region seems to lack a complementary element that will act as an indicator to identify countries in these conditions. The analysis of RSD of these Southern African countries will be an important starting point with “otherwise closed” application for asylum playing a very important role in the sanctuary countries (this part is developed furthermore in Chapter 6).

In this regard and looking at the intention of asylum, for the case of some Southern African countries like Mozambique, it seems important to make a distinction between what Zimmermann (2009) refers to as “irregular secondary migrant” and “genuine refugee”, in an attempt to separate asylum seekers who wish to stay in the country and those who intend to leave to another destination even if the current country of asylum is safe.

### **5.3. Economic factors in the movement of asylum seekers in Southern Africa: A comparative analysis**

Southern Africa has always been a dynamic region under constant changes influenced by historical, political and socio-economic factors. The region has gone through colonization period in the nineteenth century, wars of independence in the twentieth century, civil wars in post-colonial era mainly in Mozambique (mid 70s to early 90s) and Angola (mid 70s to early 2000s) and the apartheid regime in South Africa. Altogether, these events produced distinct patterns and trends of movements of asylum seekers in the region, placing Southern Africa in a unique position compared to other regions whether in Africa, Europe, America or other place on Earth.

It is obvious that asylum seekers movements are particular according to a specific set of contextual conditions such as cultural, political, economic and geographical.<sup>103</sup> However, these conditions may produce a distinct influence in the movement of people according to the region of occurrence. Thus, the patterns and trends of refugee movements in regions of Africa are most likely to be different than those in regions of Asia and Europe. Recently, understanding the movement of asylum seekers has been object of study and analysis for researchers and institutions advocating for the cause of refugees and asylum seekers. A significant number of these studies focus on specific groups of developed or industrialized countries and they analyze the reasons behind the choices of destination countries for asylum by the asylum seekers.<sup>104</sup> Little has been done in order to understand the movement of asylum seekers in a specific

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<sup>103</sup> According to UNHCR (2013a), an asylum-seeker is an individual who has sought international protection and whose claim for refugee status has not yet been determined.

<sup>104</sup> Since 1999 the UNHCR has produced reports and data on Asylum trends in industrialized countries, however, the analysis on developing countries is still scarce. Furthermore, several studies on asylum applications focus mainly on developed or industrialized countries. See for example the studies of Bocker and havinga (1998); Vink and Meijerink (2003); Neumayer (2004, 2005a, 2005b); Hassan (2000); Collins (1996).

developing region or group of countries such as those from Southern Africa. This is mostly due to the fact that a large part of the constraint on research on asylum seekers in Africa is the lack of data which makes quantitative analysis difficult. For example, most of the data on asylum seekers in Africa became available on UNHCR database since 2004.<sup>105</sup> Therefore, the existing literature on asylum seekers movement has paid less attention to the situation in Africa or developing countries and a quantitative analysis on asylum seekers movement in Southern Africa is scarce. Crush *et al* (2005) attempted to provide an overview of migration in Southern Africa. Their study brings up relevant information regarding to origin of asylum seekers and the respective rates of refugee status determination. However, their study could be more informative if it had been normalized on economic performance or the size of the population in the country of asylum. Because it is based solely on absolute numbers of asylum claims, it is difficult to make a standardized comparative analysis among the countries in the region. For example, the analysis of asylum seekers movement in developing regions such as Southern Africa suggests that there are significant differences in patterns and trends of asylum claims when compared with a developed region. A noteworthy difference relates to the asylum seekers' destination country. While in the developed world such as industrialized countries of Europe the asylum claims are higher in countries with relatively higher GDP, in the developing region of Southern Africa, countries with relatively lower GDP will receive the higher proportion of asylum claim, as it is illustrated furthermore in this study.

Some other relevant studies on people's mobility in Southern Africa such as Oucho (1995), Adepoju (2002) and Kok *et al.* (2006) provide a general picture of international migration in which it is also included the movement of refugees and asylum seekers. The majority of these

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<sup>105</sup> The UNHCR Population Statistics (online database) provide information on asylum applications during the year in Southern African countries and the origins, but it is mostly available since 2004.

studies merge asylum seekers movement with the whole international migration typology which constrains the analysis of specific patterns of refugees and asylum seekers movement considering the particular motivations and context of each type of migration. In several situations, the general theories and arguments applied to understand voluntary migration are not comprehensive to analyze scenarios of forced migration which integrates a majority of asylum seekers.

In this section, the analysis aim at providing insights and perspectives regarding to the asylum seekers' situation in developing countries through analysis of patterns and trends of asylum applications focusing in recipient countries and the countries of origin of asylum seekers.

This section analyzes a sample of 7 Southern African countries: Angola, Botswana, Malawi, Mozambique, Namibia, South Africa and Zambia. All these countries integrate the group of developing economies.<sup>106</sup> Nevertheless, the study also makes reference to other Southern African countries in order to provide a more comprehensive analysis.

The seven countries mentioned above were chosen mostly according to the availability of data for analysis. For example, there is no information on the number on asylum applications during the year (from 2001 to 2010) for some Southern African countries such as Comoros, Lesotho, Mauritius and Seychelles for the period of analysis in this study. For the case of Zimbabwe, even though there is availability of data of asylum applications, there is no information on the GDP per capita (PPP), which makes it difficult to analyze the influence of economic indicators in the movement of asylum seekers. Swaziland is another case of a country with no information on

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<sup>106</sup> The World Bank also refers to countries with low and middle income as developing economies. Southern Africa comprises countries with low and middle income. See <http://data.worldbank.org/about/country-classifications> .



asylum applications in 2010. Regarding to Angola, there is available data regarding to the number of asylum claims lodged in the country during each year. However, there is no available data related to the origin of filed applications. The absence of data on asylum applications lodged in a specific country for a given year constrains the general analysis on the origin and destination of asylum seekers. The information on the GDP per capita PPP (constant 2005 international US\$) was collected from the World Bank database.

The study provides a general overview of asylum claims filed in Southern Africa as a developing region, compared to industrialized countries of Europe as developed regions.

### **5.3.1. General overview of patterns and trends of asylum applications in Southern Africa**

In 2010, a total of 190,542 asylum applications were lodged in the 7 Southern African countries which represent 71% of all asylum claims in Africa, and around a fourth of the total applications for asylum worldwide in 2010.<sup>107</sup> Over previous 5 years there has been a significant increase in the number of applications for asylum as illustrated in Figure 5.5.

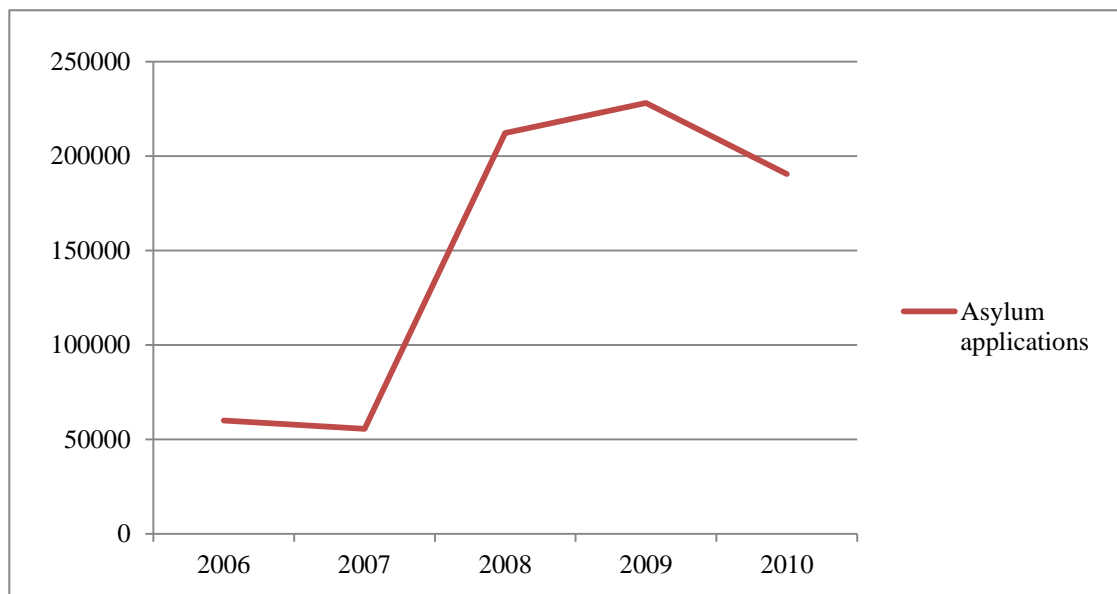


Figure 5.5: Asylum applications in seven Southern African countries from 2006 to 2010

From 2006 to 2010 there has been an increase of 130,418 asylum applications. During this period, the share of asylum seekers in Southern Africa comparing to the global share of asylum seekers has increased from 10% in 2006 to 23% in 2010. These figures suggest that Southern Africa has become a very attractive region for asylum seekers. However, in some countries the applications for asylum had registered periods of decline. For example For the period of 2006 to 2007, Botswana and Mozambique also recorded a total decrease of 8% in the asylum applications, however with a small impact in the general figure of asylum applications because these countries counted only for 2% of asylum applications in Southern Africa.

From 2006 to 2010, South Africa was the largest recipient of asylum claims with a total of 709,165 asylum applications. The second largest recipient of asylum applications was Malawi (19,094), followed by Mozambique (7,982). Together, the three major recipients of asylum applications accounted for more than 90% of all asylum claims submitted in the 7 Southern

African countries. On a yearly basis, from 2006 to 2010, South Africa remained the top receiving country of asylum applications. During 2010, South Africa alone received 180,637 asylum applications which placed the country at the top of asylum claims recipient in 2010. South Africa is, as Adepoju (2000) mentioned, the “Allure of Southern Africa”, as the country gained more popularity with the end of Apartheid and positive approach towards refugees and asylum seekers.<sup>108</sup> Regarding to the second largest recipient of asylum claims, Mozambique, Malawi and Angola would alternate in the second position for the same period. Botswana was the country receiving the lowest number of asylum applications, accounting for a total of 1,179 of asylum applications lodged from 2006 to 2010. In 2010, Botswana had the highest GDP per capita (13,013 US\$) among all the Southern African countries. Nevertheless, the share of asylum claims lodged in Botswana, whether in absolute numbers or divided by the country’s population size or GDP per capita, are always among the lowest share of asylum claims filed in the region. This illustrates a particular condition of Southern African region. In the case of developed regions of Europe for example, Neumayer (2005b) demonstrates that whether in absolute numbers or relative to population size, the richer European countries are the most popular countries for lodging asylum applications.

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<sup>108</sup> In South Africa, the year of 1994 was marked by the victory of ANC and the end of Apartheid which contributed to an increase in migration flow into the country. Furthermore, in Southern African region, South Africa is the only country that ratified the 1959 UN Refugee Convention without any reservation which rendered the country more attractive for asylum seekers.

Table 5.4: Asylum applications filed in 7 selected Southern African countries, 2004-2010

Country	2006	2007	2008	2009	2010	Change from 2009 to 2010
Angola	1,023	1,471	436	2,076	144	-93%
Botswana	62	59	845	136	77	-43%
Malawi	4,364	7,004	1,429	1,423	5,684	299%
Mozambique	964	888	1,755	1,496	2,879	92%
Namibia	247	422	296	345	327	-5%
South Africa	53,361	45,637	207,206	222,324	180,637	-19%
Zambia	103	162	227	314	794	153%
TOTAL	60,124	55,643	212,194	228,114	190,542	-16%

The individual share of the total number of asylum applications received in each country shows a changing pattern from 2006 to 2010. On a yearly basis all the countries presented moments of increment and reduction in the asylum applications received. However, the global figure of asylum applications received during five years in each one of the Southern African countries has increased from 2006 to 2010, with the exception of Angola. This shows that significantly more people are seeking asylum in Southern Africa.

In 2010, South Africa accounted for 180,637 asylum applications. This figure represent a decrease in 41,687 asylum applications from 2009 to 2010. The decline in the asylum applications from Malawi (76%), Ethiopia (76%), Congo (70%), India (59%), Bangladesh (44%) and Zimbabwe (2%) accounted significantly for this decrease. The second largest recipient of asylum claims after South Africa in 2010 was Malawi (5,684) followed by Mozambique (2,879). Differently from South Africa, these two countries registered an increase in the asylum

applications from 2009 to 2010, mainly originated from the Democratic Republic of Congo, Burundi and Rwanda in both countries. However, Mozambique and Malawi did not register any asylum claim from Zimbabwe which accounted for the largest share of asylum claims in South Africa (81%). The economic crisis and political turmoil in Zimbabwe has contributed to the increment of refugees and asylum seekers in Southern Africa, creating a significant volume of mixed migration and increasing the challenge in the process of refugee status determination.<sup>109</sup>

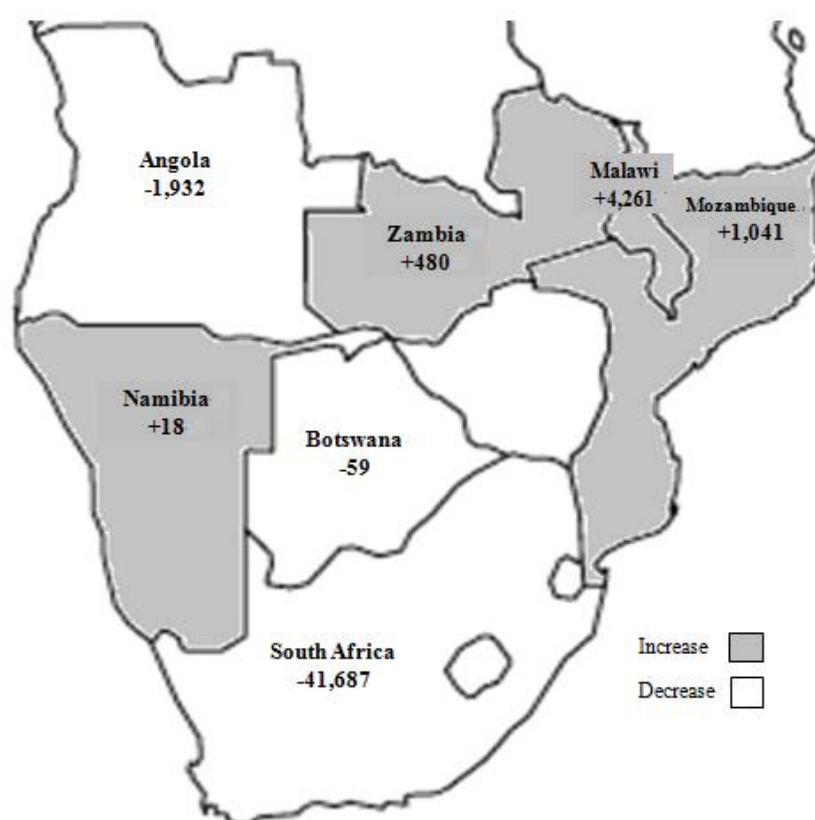


Figure 5.6: Absolute increase or decrease of asylum claims in seven Southern African countries from 2009 to 2010

<sup>109</sup> Several studies stress the last decade in the early 2000s as an important turning point in the increment of Zimbabwean asylum seekers flow in Southern Africa. This decade was characterized by a combination of political, social and economic crisis in Zimbabwe which acted as “push factors” towards neighboring countries. See for example Derman and Kaarhus (2013); Hammar *Et al.* (2010) and Raftopoulos (2006).

Among the Southern African countries, the largest relative increase in annual asylum levels was found in Malawi, which received additional 4,261 asylum requests compared to 2009, representing 299% increase in the asylum applications during 2010.

### 5.3.2. The origin of asylum claims in Southern Africa<sup>110</sup>

The majority of asylum applications in Southern Africa is originated within the African region (96%) and Asia (4%).

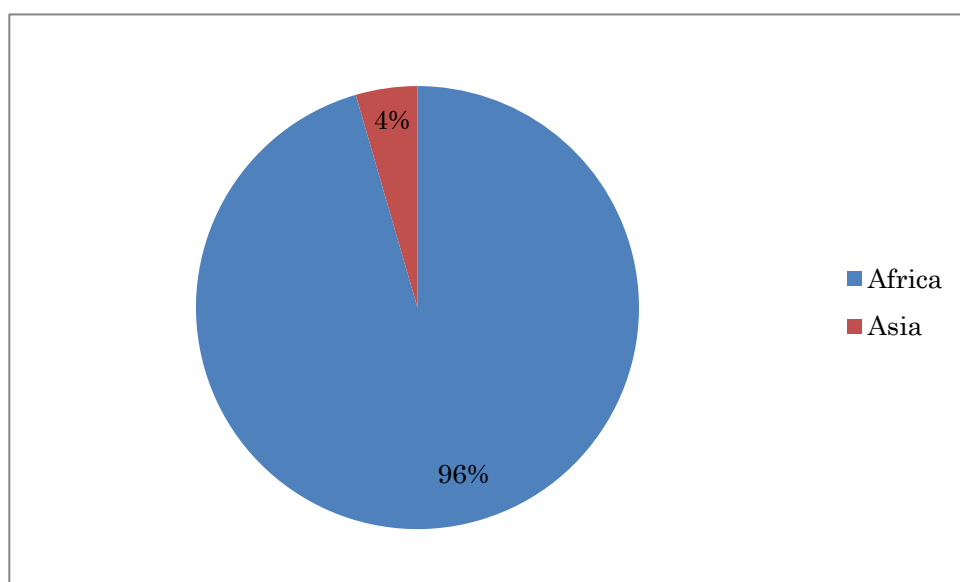


Figure 5.7: Asylum applications in Southern Africa by continents of origin, 2010

However, in order to understand in detail the patterns and trends of asylum seekers' origin, the asylum claims in Southern Africa can be grouped into 3 categories: (1) Asylum claims originated in Southern Africa which were applied in Southern African countries; (2) Asylum claims

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<sup>110</sup> The analysis on the origin of asylum claims does not include Angola because there is no available data for the country regarding to the origin of asylum applications in the country.

originated from African countries except Southern African countries; (3) Asylum claims originated from outside of Africa.

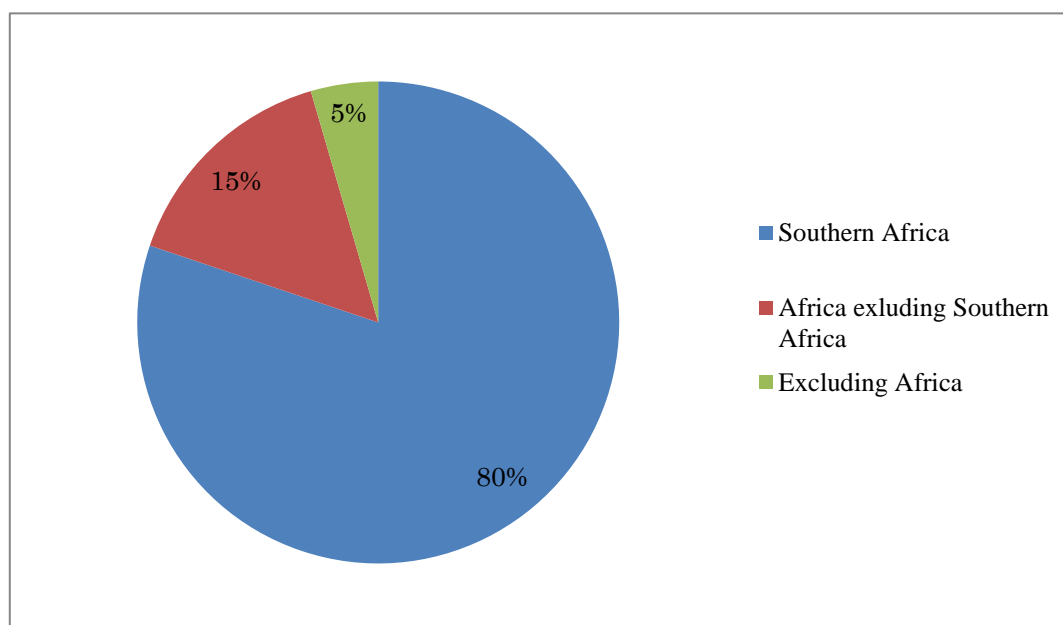


Figure 5.8: Asylum applications in Southern Africa by specific regions of origin, 2010

The asylum applications lodged in Southern Africa are mostly originated from countries within the Southern African region (80%). 15% (29,159) of the applications for asylum have origin in other African countries (excluding Southern Africa), and the remaining 5% (8,595) of asylum claims are originated from countries outside of Africa.

The majority of asylum claims in 2010 originated in Zimbabwe, Democratic Republic of Congo, Malawi, Rwanda and Somalia. Almost 100% of asylum claims from Zimbabwe and Malawi were lodged in South Africa. Asylum claims originated in Zimbabwe accounted for 77% (146,622) of all asylum applications lodged in Southern Africa, placing the country as the top origin of asylum seekers in Southern Africa. From 2006 to 2010, this position has remained

unchanged. Rwanda positions as the bottom of the major sources of asylum applications has also remained unchanged during five years.

Table 5.5: Changes in the position of top 5 origins of asylum seekers

Country	2006	2007	2008	2009	2010
Zimbabwe	1	1	1	1	1
DRC	2	2	3	3	2
Malawi	3	3	2	2	4
Somalia	4	4	4	4	3
Rwanda	5	5	5	5	5

One striking situation of asylum applications in Southern Africa is that the countries that receive asylum claims also generate them. In this perspective, Malawi and Mozambique which are top receivers of asylum claims appear also as top producers of asylum applicant from Southern Africa. For example, in 2009, Malawi received 1,423 asylum claims, and on the same period, 15,697 asylum claims from Malawi were lodged in South Africa. Similar situation happened in Mozambique in 2009. The country received 1,496 asylum applications and produced 2,559 asylum claims which were lodged in South Africa.

The asylum claims from DRC, Rwanda and Somalia were lodged simultaneously in all the 6 Southern African countries. In this perspective, DRC appears as the leading country with a total of 7890 asylum claims lodged in Southern Africa, followed by Somalia which accounted for 6860 asylum claims submitted in Southern Africa. South Africa is the leading recipient country for the major origins of asylum claims, with the exception of asylum claims from Rwanda which



were mostly lodged in Malawi (79%). In general figures, from 2006 to 2010, Malawi has been the most attractive destination from asylum seekers coming from Rwanda. Only in 2008 South Africa was the major recipient of asylum claims from Rwanda.

From 2006 to 2010, there was an increase in the asylum claims from DRC, Rwanda and Somalia. Asylum claims originated in Somalia registered the largest increment in the number of applications lodged in Southern Africa (+74%). In contrast, there was a drop in the numbers of asylum claims from Malawi (-42%).

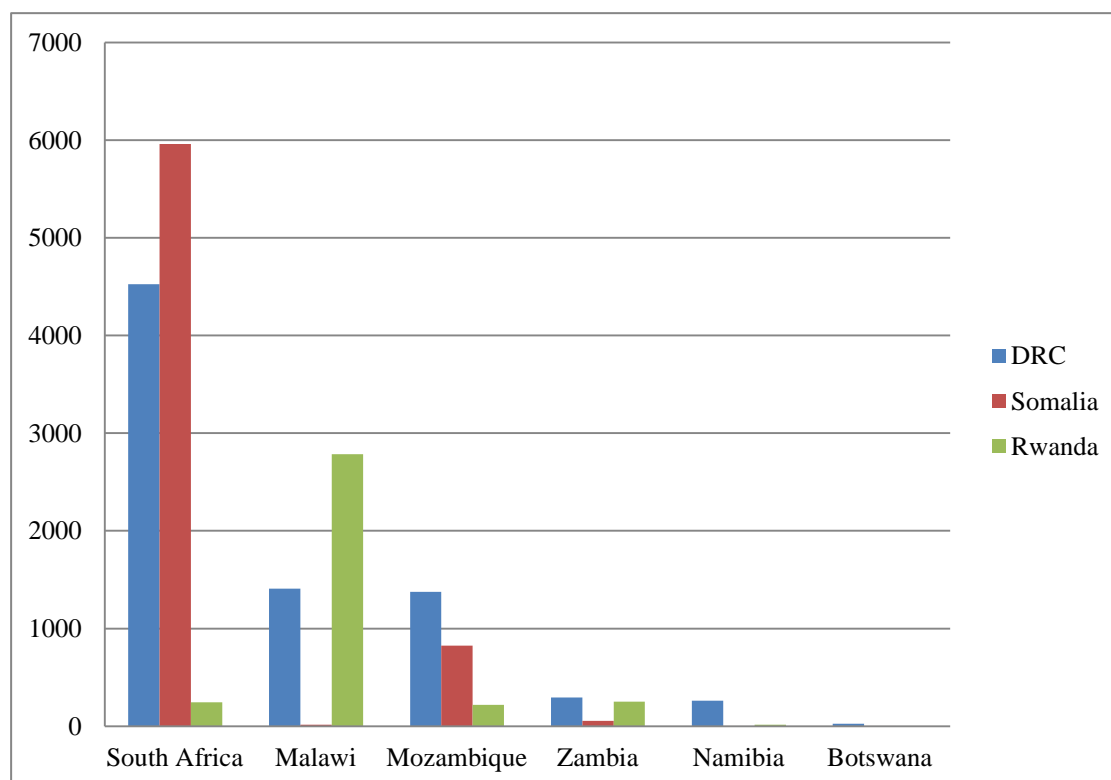


Figure 5.9: Origin of asylum applications from 3 selected countries lodged in Southern African countries, 2010

The majority of asylum claims from Somalia were lodged in South Africa and Mozambique. This mostly due to the geographical location of Mozambique along the coast of the Indian Ocean, because a significant number of asylum seekers in Mozambique arrived by boat. The asylum applications from outside of Africa are mostly from Asia namely Bangladesh and Pakistan with the highest share of asylum claims.

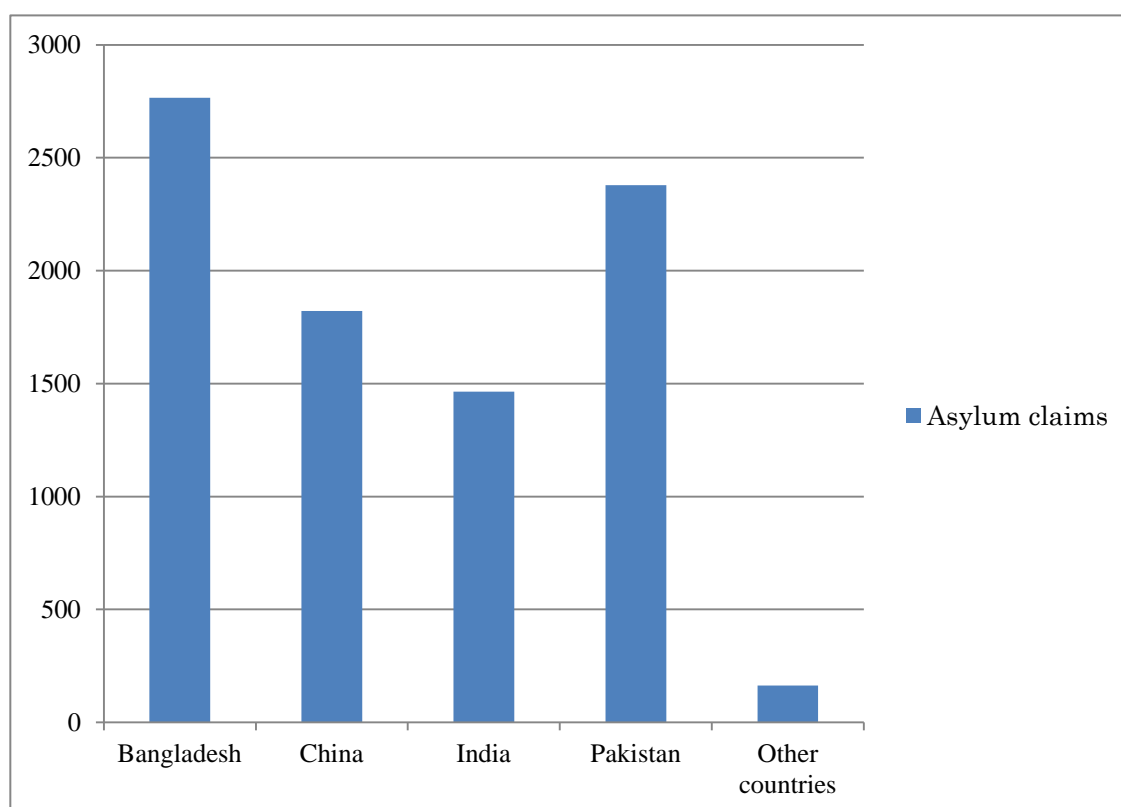


Figure 5.10: Asylum claims lodged in Southern Africa, originating from non-African countries, 2010

South Africa is the main recipient of asylum claims originating from non-African countries, accounting for 99% of all asylum claims.

In 2010, there were 81 African nationalities applying for asylum in Southern African region. Among these figures, 61 countries applied exclusively to South Africa including countries from Asia, Europe and Africa.

Asylum claims lodged in Southern Africa are originated in thirty three African countries (excluding southern Africa). The major sending countries are DRC, Somalia and Rwanda.

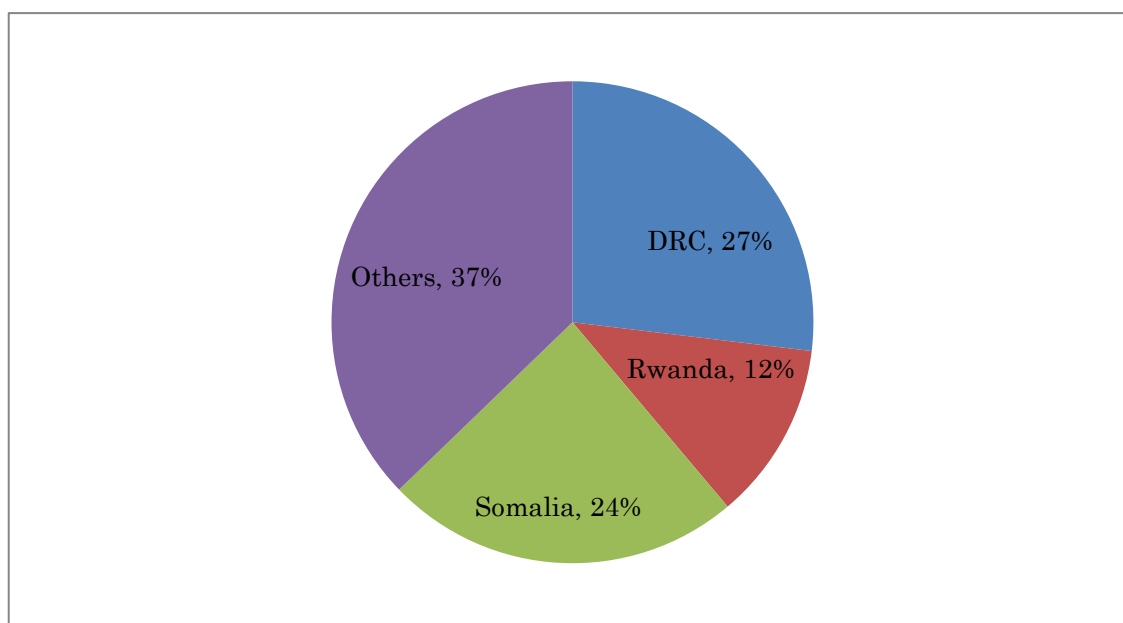


Figure 5.11: Asylum claims originated in Africa (excluding Southern Africa).

DRC, Somalia and Rwanda are the only countries with asylum claim filed in all Southern African countries, and also represents the largest share of asylum claim in each Southern African country with DRC as the major sending country (with the exception of South Africa and Malawi).<sup>111</sup>

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<sup>111</sup> The major origin of asylum claims in South Africa is Zimbabwe (81%). In the case of Malawi, the majority of asylum claims are originated in Rwanda (49%).

### **5.3.3. Patterns and trends of asylum applications in Southern Africa normalized by recipient country's GDP**

In order to compare trends and patterns on asylum claims lodged in each country of Southern Africa, this study used the GDP per capita PPP (constant 2005 international US\$) as a normalizing measure to place the countries on a same platform for analysis. In this perspective, the number of asylum applications in each Southern African country was divided by the recipient country's GDP. In order to simplify the display of data and allow for a better comparative analysis, the function of logarithm of base 10 (Log10) was used for a proportion of 10,000US\$ as given by the formula:

$$\text{Log10}\left(\frac{\text{Asylum applications}}{\text{Recipient country GDP}}\right) * 10000$$

The results show the same trend as in the previous analysis based on the absolute numbers of asylum claim to each of the 7 Southern African countries.

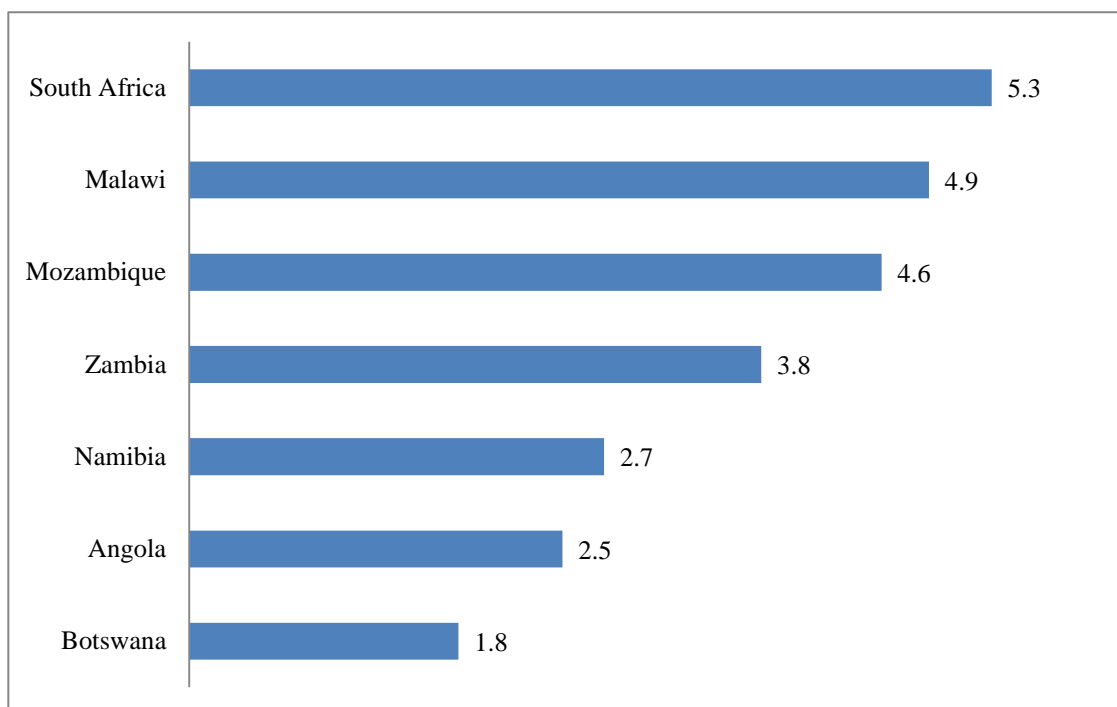


Figure 5.12: Asylum applications per GDP per capita PPP in Southern Africa, 2010

South Africa appears as the major recipient country, with 5.3 applicants per capita. This position confirms the perception of South Africa as the “allure of Southern Africa” for asylum seekers considering its positive approach towards asylum policy, as mentioned before. Malawi is the second largest recipient (4.9 applicants per capita), followed Mozambique (4.6 applicants per capita). Zambia remained in fourth position, followed by Namibia (fifth largest recipient), Angola (sixth largest recipient) and Botswana in the last position.

This measure (asylum seekers per GDP) allows for a better comparison among receiving countries because it reflects the capacity of a country to host asylum seekers according to its economic performance.

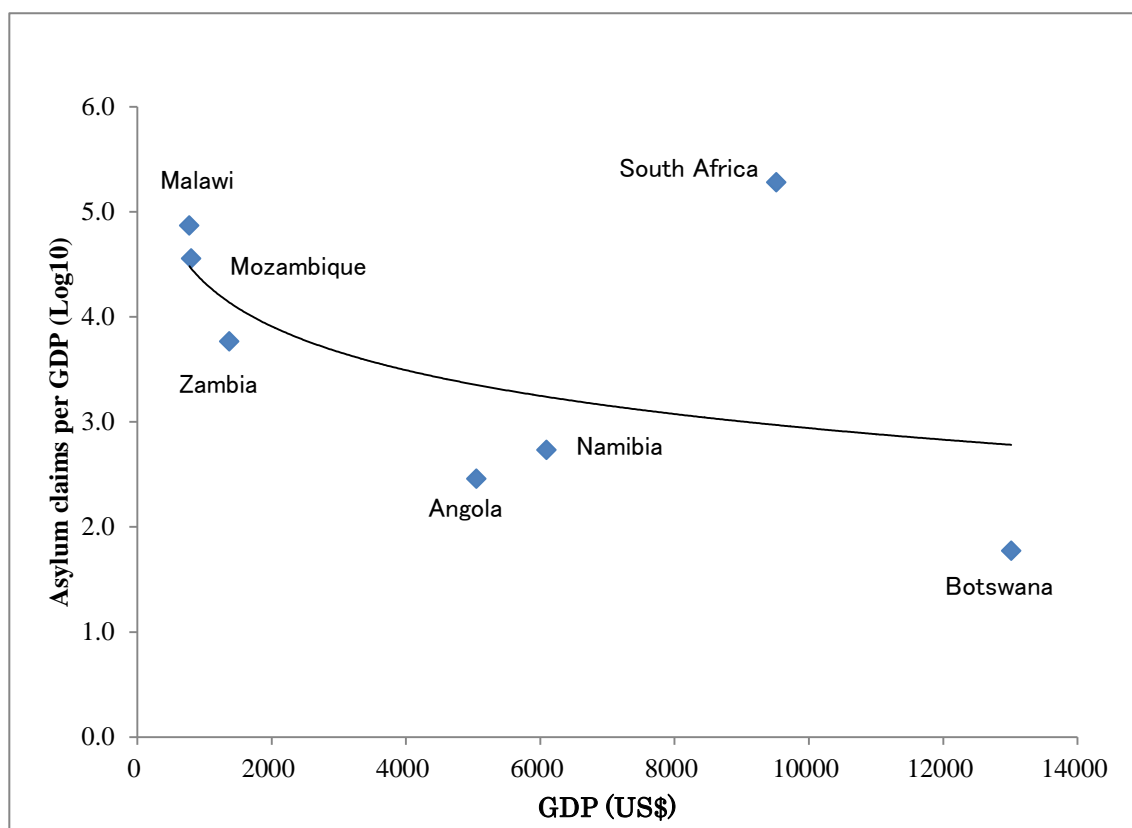


Figure 5.13: Trend of asylum applications per GDP per capita in Southern Africa, 2010

The Figure 5.13 illustrates that in a general figure, the majority of asylum claims in Southern will be higher in countries with relatively lower GDP per capita. In other words, higher the GDP per capita, lower will be the applications for asylum in Southern African countries, as illustrated by the trend line. For example, Botswana is the Southern African country with the highest GDP per capita (13,013 US\$), however, the country received the lowest share of asylum applications in 2010. On the other hand, Malawi which had the lowest GDP per capita (774 US\$) received the second largest volume of asylum applications after South Africa.

In richer regions such as developed countries of European Union, the situation of asylum applications shows a different trend with higher number of asylum applications being lodged in richer countries.

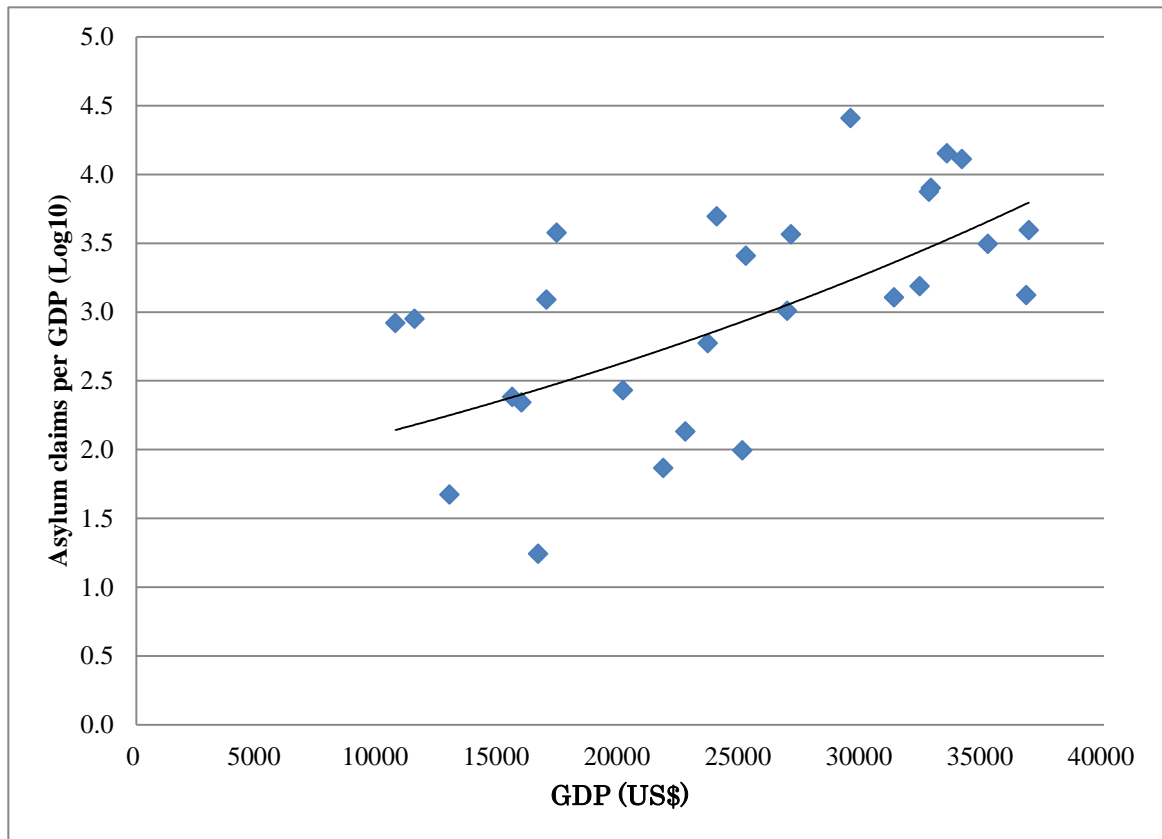


Figure 5.14: Asylum seekers per GDP (PPP) per capita in the European Union, 2010

#### 5.3.4. Moving towards the richer and the poorer

The comparison of asylum claims in developing areas such as those of Southern Africa and developed countries of Europe and North America shows specific patterns and trends that are particular for each region (developed or developing region). One example of patterns and trends of asylum seeker claims in developed countries, are illustrated in the UNHCR reports on Asylum

Levels and Trends in Industrialized countries.<sup>112</sup> In order to provide a comparative picture of patterns and trends of asylum claims, this study considers the UNHCR report on Asylum Levels and Trends in Industrialized Countries for 2010.

In 2010, the 7 Southern African countries received a total of 190,542 asylum applications, while the 38 industrialized countries of Europe accounted for a total of 269,940 asylum applications. Looking at the situation asylum applications in Europe and Southern Africa important aspects that one must consider while comparing the asylum claims in industrialized (developed) and non-industrialized (developing) countries: (1) In Europe, the majority of asylum claims are originated outside of Europe while in Africa the asylum applications are mostly originated within the region; (2) In Europe, relatively higher number of applications for asylum are lodged in richer countries while in Southern Africa the situation is different with higher numbers of asylum claims lodged in poorer countries; (3) The major recipient countries of asylum claims in Europe received at least one asylum application from each one of the nearly 300 countries in the total figure of origin of asylum claims in the region, while in Southern African region, within the 81 countries of origin of asylum seekers, South Africa is the only country receiving exclusively asylum applications from 61 countries; (4) In Southern Africa, top recipient countries of asylum applications can also be the top producers of asylum claim in the region, while in Europe, the popular countries for asylum are never among the group of top producers of asylum.

This have been said, one can clearly perceive the contrasting figures in asylum applications between the two types of regions. Looking at the global figures of asylum applications, it seems

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<sup>112</sup> The UNHCR has been providing data on asylum levels and trends based on asylum claims lodged in selected industrialized (developed) countries in Europe, North America, Asia, Australia, New Zealand. Most of the data has been made available online on an yearly basis and it provides information on asylum claims in industrialized countries since 1999.



that the trends of asylum claims lodged in Southern Africa from 2006 to 2010 (Figure 5.5), resembles the same trend for Europe in the same period as shown in Figure 5.15. Both regions recorded an increase in the number of asylum applications from 2006 to 2009, followed by a drop from 2009 to 2010.

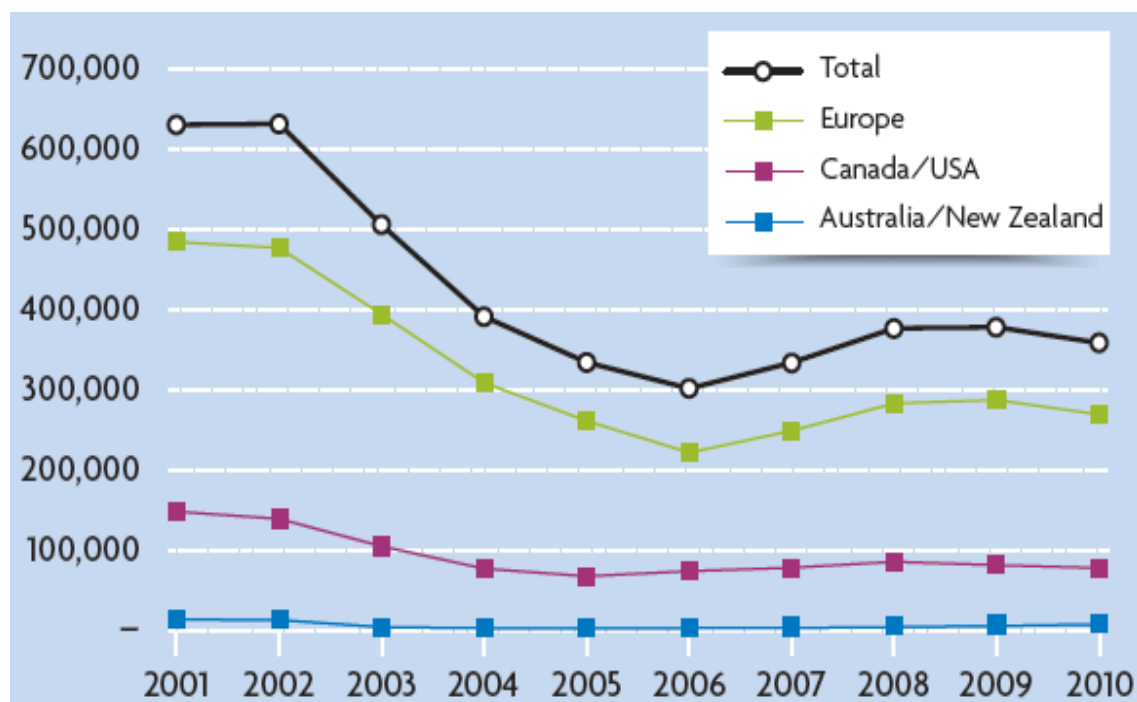


Figure 5.15: Asylum applications lodged in 44 industrialized countries, 2001-2010

Source: UNHCR (2011)

The analysis of the share of asylum claims lodged in Europe and Southern Africa in comparison with global number of asylum applications worldwide shows contrasting trends. According to the UNHCR (2011), in 2005 European countries received 60% of all asylum applications worldwide, and by 2009 this percentage dropped to 45% with sub-Saharan Africa emerging as a major destination region for people seeking international protection. In fact as mentioned before, in the 7 Southern African countries alone comparing to the global number of asylum applications worldwide, there has been an increase in asylum applications from 10% in 2006 to 23% in 2010.

These figures suggest that Southern Africa has become a very attractive region for asylum seekers.

Another scenario that suggests a relationship between developed and developing regions (such as Southern Africa and Europe) is related to Somalia which is a major source of asylum in both Southern Africa and Europe. In industrialized countries of Europe, the number of asylum claims from Somalia has dropped by 22% in 2010 compared to 2009, while Southern Africa has recorded an increase in 70% of Somali asylum claims for the same period. In the case of DRC, the asylum claim increased in European countries (+12%), while in Southern Africa it was recorded a reduction (-4%) in the number of asylum applications. These trends suggests that the increase in the number of asylum applications from major source countries in industrialized countries, there will be a decrease in developing countries of Southern Africa, and vice versa. Somalia and DRC are countries located outside of Southern Africa. For the case of asylum claims from Zimbabwe which is a Southern African country the trend shows a different perspective. There was a decrease in asylum applications in both industrialized countries of Europe (-72%) and developing countries of Southern Africa (-2%).

The studies on asylum applications with focus on origin and destination of asylum seekers are scarce, and even scarcer are the studies focusing on developing countries. One relevant study on asylum applications is provided by Neumayer (2004). The study examines the attractiveness of West European countries as a destination for asylum seekers for the period 1982 to 1999. Neumayer assumption was that an individual choosing between destination countries in a particular region weighs the relative net benefits of applying for asylum in each country and decides on the country that offers the greatest benefit, supported on the economic theory which predicts that asylum seekers will apply for asylum in rich countries. Subsequently, Neumayer

results showed that rich countries are more attractive than poor country because of the socio-economic benefits it provides, which is also demonstrated by Zimmerman (2009) which concluded that refugees moving into Europe seek to secure their wider needs, beyond just looking for safety. Judging by the evidence presented in Figure 5.13, socio-economic arguments seem to be insufficient to explain why a large number of asylum seeker choose to move to a relatively poor country such as Mozambique and Malawi.

Bocker and Havinga (1998) also analyzed the patterns and trends of asylum applications in the European Union. They concluded that asylum seekers from a particular country of origin often tend to go to a particular country within the European Union mostly because of historical ties. This argument is also supported by Neumayer (2004) which found that countries receive a higher share of asylum seekers from countries of origin that are former colonies and speak the same language. This would explain why the majority of asylum seeker from Mali would file asylum applications in France, and from Uganda in the United Kingdom.<sup>113</sup> In Southern African region, the figure is almost completely different. First the colonial ties among African countries (in the sense of European colonization of Africa) do not exist. On the contrary African nations cooperated in the fight against colonization. Second, almost 100% of asylum claims in Mozambique, for example, are lodged from countries that do not have Portuguese as the official language. Nevertheless, the same situation found by Bocker and Havinga (1998) regarding to the particular country of origin and the asylum applications in a particular country of destination is also found in Southern Africa. Almost all asylum seekers from Malawi and Mozambique apply for asylum in Southern Africa; the majority of Somali asylum seekers apply in Mozambique and South Africa and Malawi is the most popular country for asylum claims filed by Rwandans.

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<sup>113</sup> See Bocker and Havinga 1998

#### **5.4. Summary**

The movement of refugees in Southern Africa occurs within a context of several interrelated factors which characterized the countries in the region, such as security, peace, stability, economic development, geographical location. The security status in the region may appear as one of the most attractive element influencing the movement of refugees in the area considering that Southern African region is the safest area in the African continent, judging by the numbers of refugees originated in the region. Another important factor is that the region is experiencing rapid economic growth as the violent conflict had ended. This factor is also an important motivator for migration. However, a more detailed analysis based on quantitative data on the patterns and trends of refugee movements in specific Southern African countries such as Mozambique, Zimbabwe, Botswana, Namibia and South Africa shows particular features that suggests the need for a more thorough analysis and understanding of the phenomenon. The elevated numbers of “otherwise closed” cases in Mozambique, Zimbabwe, Botswana and Namibia indicate that a significant number of refugees abandon those countries through illegal procedures. On the contrary, South Africa shows the lowest number of “otherwise closed” cases which indicates the refugee outflow rate from the country is comparatively very low. The additional information collected through related literature and field work in Mozambique suggest those countries (with high proportion of otherwise closed cases) are not the intended final destination for asylum. They act as a transit zone towards South Africa.

Clearly, understanding the patterns of asylum seekers movements in Southern Africa requires detailed and contextualized analysis. Southern Africa is a miscellaneous of culture, language, economic development, geographical and demographical composition. All these factors contribute to understand specific patterns of asylum claims in the region. For example, Mozambique and South Africa are popular destinations of Somalis because the majority of

Somali asylum seekers arrive in Mozambique by sea and then move to South Africa.<sup>114</sup>The asylum claims originated in Pakistan, China, India and Bangladesh which are exclusively lodged in South Africa brings up the discussion about “genuine” and “bogus” refugees. The lowest share of asylum claims in Botswana which has the highest economic performance in Southern African region raises the question of whether or not economic situation is relevant in the asylum seekers’ choice of destination country. However, the results presented in this study suggest that in Southern Africa, relatively higher number of asylum claims are lodged in poor countries. These can be attributed to the fact that escaping from persecution is the main reason behind the asylum applications in Southern Africa.

In industrialized countries, the majority of asylum claims are lodged in richer countries. This suggests the existence of a pre-conceived intention of moving to those countries on the base of the socio-economic conditions offered. In this case, the asylum claim from “genuine” refugees or people actually being persecuted for several reasons will be mixed with those from people who are voluntarily leaving their countries in search for better socio-economic conditions in more developed regions, rather fleeing from persecution. In poor countries of Southern Africa the applications for asylum will be higher in less developed countries with lower economic performance. In this case, the widely accepted arguments of migration in search of better socio-economic conditions from a poorer country to a richer country do not seem to apply and the majority of asylum seekers moving to poorer destinations are most likely to be genuine asylum seekers as they flee from persecution.

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<sup>114</sup> Abreu (2013).

The study of refugee movement in Southern Africa requires a comprehensive framework for analysis involving all integrating countries. Therefore, in order to efficiently address refugee issues, countries in the region should take joint actions rather than isolated solutions to mitigate refugee problems.

## **CHAPTER 6 – REFUGEES IN MOZAMBIQUE: A SHORT STOP ALONG THE WAY**

### **6.1. Introduction**

In order to better understand the refugee situation in Mozambique it is important to situate the country in the context of important events that significantly influenced the Movement of refugee in the region. Mozambique had been under Portuguese control until 1975, the year that the country was officially proclaimed independent. This event prompted a massive return of refugees from neighboring countries such as Tanzania and Malawi. However, shortly after the independence, the country changed from receiving returning refugees to produce them as it ignited into a civil war that lasted until 1992. The country has experienced different directions of refugee flows coming in and going out of the country in different periods of its history: Before the Independence, after the independence and after the civil war. This chapter focus on the last period in refugee flow in Mozambique (after the civil war), which has been characterized by a growing trend in refugees influx associated with degraded human security conditions to address refugee issues.

In developing countries like Mozambique, very often refugees are exposed to conditions that pose threats to their lives causing insecurity in terms of health, food, shelter, education and jobs. For example, as mentioned in chapter 2 in Mozambique, refugees and asylum seekers have to face difficult conditions that in several times lead to fatal consequences. In such situation, at first it is important to understand the driven factors for refugees' movement, especially to those countries located away from conflict zones where most of the refugees are not from neighboring countries.

This section analyzes the refugee movement in the Southern part of Africa based on a field investigation in Mozambique carried out in March 2013. The fieldwork focused on gathering information through interviews conducted with key informants from the UNHCR, Government Institutions and local NGO. Another key element where focus group discussions and observations in Refugee Center of Maratane located in the northern part of Mozambique. Furthermore, some quantitative data from official statistics and local reports were collected to support the analysis. Regarding the extracts of interviews in this paper, names have been omitted to maintain the anonymity of interviewees.

## **6.2. An overview of refugee situation in Mozambique**

Mozambique has a long and complex history concerning refugee movement in and out of the country. As mentioned in the previous section, the country has produced and received refugees in different periods of its history during the war of independence from Portugal (early 1960s to 1974), the following period of internal armed conflict (late 1970s to early 1990s), and the current period of peace and stability.<sup>115</sup> However, each period in the history of refugee movement presents its specific dynamics.

At first, as mentioned in Chapter 5, in Africa the movement of refugees in the southern region has a strong relationship with the status of security in the continent. If we consider the origin of refugees as related to insecurity for example, in 2010 Southern Africa was the safest region in the continent because it produced the smallest share of African refugees in comparison with other African regions.<sup>116</sup> In this perspective, safety would play a bigger role than economic

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<sup>115</sup> See for example Cabrita, 2000.

<sup>116</sup> UNHCR, 2011.



conditions. Moreover, the importance of safety as a main driver for migration was also pointed out by an Ethiopian refugee in Mozambique:

At first when I left Somalia, I just ran to the closest safe place which was Kenya. But I didn't want to stay there because it was too close to my country and it was easy for me to be caught by the people from my country, and it happened to many people I knew, so I had to move further away. Then I heard that Mozambique was a safe country compared to others in the Southern African region, and that's why I came here.<sup>117</sup>

It is obvious that safety plays a very important role in the decision to migrate and to choose the country of destination. However, in some cases the choice of destination might be strongly influenced by other factors beyond safety conditions alone, especially in the case of secondary migration from a "safe third country". In these situations, the previous country is chosen as means to achieve a final goal which is the intended final destination for asylum. This situation can be found in Mozambique which appears as a popular country for refugees coming in from the Great Lakes region and the Horn of Africa, "passing through" towards South Africa as illustrated in Figure 6.1.

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<sup>117</sup> Interview, male refugee from Ethiopia, Nampula, 24 March 2013.

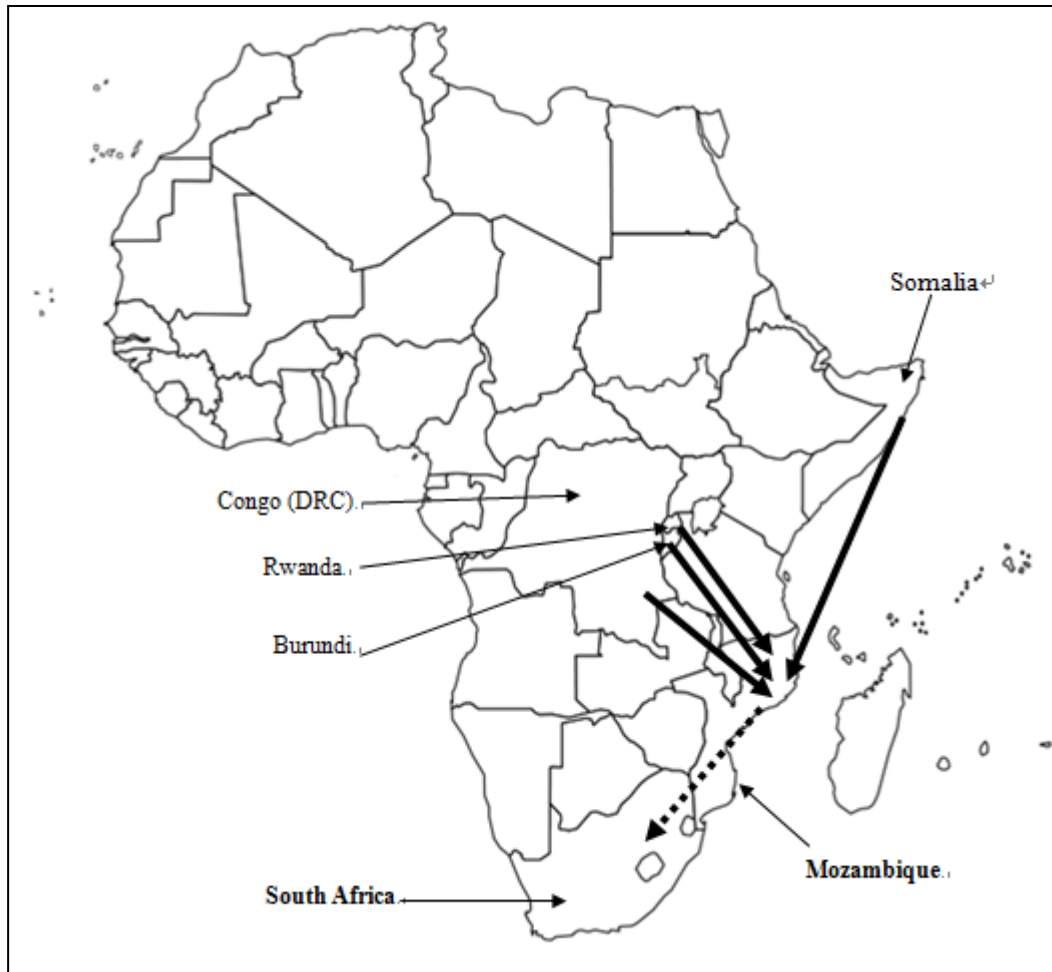


Figure 6.1: Refugee movements through Mozambique towards South Africa, 2010

There are widespread arguments that the most common reasons behind the movement of asylum seekers to a specific destination are related to economic situation and safety.<sup>118</sup> However, as illustrated in Figure 1.2, it is important to acknowledge that some countries are chosen by asylum seekers in spite of the weak socio-economic capacity, like the case of Mozambique. In this case, the economic argument alone is not enough to understand the situation of asylum seekers in

<sup>118</sup> Massey *et al.*, 1993.

Mozambique, besides, Mozambique was placed at the penultimate position in the HDI in 2013 which is lower than most of the countries of origin of refugees hosted in Mozambique. Of course, many other reasons are also included, for example the constraints regarding the legal status and access to registration in host countries, or socio-cultural factors in the receiving country.<sup>119</sup> A third reason, which has not received much research, is to gain “easy access” to a particular country which might be the final intended destination for the asylum seeker. While numerous studies have examined the causes related to economic and safety drivers for asylum seekers, in regards to the countries being used as temporary stop during the trip to a final destination for asylum especially in Africa, there is a scarcity of information. The situation of refugees and asylum seekers who move from countries in which they have already found protection, in order to seek asylum or permanent resettlement elsewhere, has already been identified and addressed in the UNHCR’s Executive Committee conclusions since 1985 and it has been the subject of several conclusion up to 2004.<sup>120</sup> In the conclusion No. 36 (XXXVI) – 1985 the UNHCR’s Executive Committee:

“Noted with concern the growing phenomenon of refugees and asylum-seekers who, having found protection in one country, move in an irregular manner to another country and expressed the hope that the problem this represents can be mitigated through the adoption of global solutions in a spirit of international co-operation and burden-sharing, and requested the High Commissioner to continue consultations with a view to reaching agreement on this matter”.

More than 25 years has passed, and the problem still shows growing trends in the Southern African region. Thereafter, the destabilizing effect on a structured international effort to provide

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<sup>119</sup> See Moret *et al.*, 2006.

<sup>120</sup> UNHCR, 2011.

appropriate solutions for refugee will also be aggravated. If the problem can be mitigated through global solutions, it is important to firstly identify problematic areas on a global perspective because this might be one of the constraints for a more effective integrated solution to the problem.

Thus more questions can be raised such as, where is this phenomenon happening? What are the signs? Hailbronner (1993), analyzed the concept of third country of asylum on a western European perspective. The author argues that as a general rule, it may be appropriate to distinguish between asylum seekers who have found protection in a third safe country and those who are only transiting through a safe country. Moreover, the same author explains that the distinction is usually drawn on the basis of length and nature of stay and the nature of protection granted or enjoyed. Indeed, making this distinction is of essential in order to achieve more effective legal procedures and support process for asylum seekers in those receiving countries. However, for the case of developing countries, making this distinction based on length and nature of stay and the nature of protection granted or enjoyed, doesn't seem to be appropriate considering that a greater percentage of the world's refugee (two-thirds) lives in protracted exile and the average of stay in these states is now approaching 20 years, up from an average of nine years in the early 1990s. The most affected countries are in the developing world.<sup>121</sup> Nevertheless, through the analysis of RSD in developing countries like Mozambique, it is possible to identify the states that are being used as a "stop-over" during the trip of asylum seekers to an intended final destination.

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<sup>121</sup> See James Milner and Gil Loescher, 2011.

### **6.3. A short stop along the way**

“Mozambique is attractive to refugees because it is a country in peace and developing rapidly”. Antonio Guterres, 2007.<sup>122</sup>

The indicators of development and security status confirm that, in fact, Mozambique is rapidly developing and also experiencing moments of peace and stability.<sup>123</sup> These factors may significantly influence the refugees’ choice of Mozambique as destination country for asylum. However, it does not comprehensively explain the patterns of refugee movements to Mozambique, especially when the country is used as temporary shelter in a longer journey. Some other factors are to be taken into consideration in order to fully understand the refugee situation in Mozambique.

#### **6.3.1. The tumultuous route to Mozambique**

CEP (2004) conducted a study on refugee situation in Mozambique. Their results pointed out that before arriving in Mozambique, refugees pass through other countries according to their country of origin. These countries included Tanzania, DRC, Zambia, Burundi, Ruanda, Malawi, Kenya, Uganda, Botswana, Togo, Angola, Namibia and Ethiopia. Refugees had passed through all neighboring countries before reaching Mozambique. However, there was no evidence that any refugee would come to Mozambique after first have lived in South Africa.

Movement of refugees towards Mozambique is analyzed based on the refugee’s point of origin. This will determinate the routes and means of transportation to be used. In Mozambique, as of

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<sup>122</sup> Antonio Guterres is the current United Nations High Commissioner for Refugees. The statement was made in Mozambique in 2007, during his visit to Maratane Refugee Center in Nampula Province.

<sup>123</sup> See the Human Development Reports for 2009 and 2010.

the last decade, the vast majority of refugees have been coming from the Great lakes region (DRC, Rwanda and Burundi) and the horn of Africa.

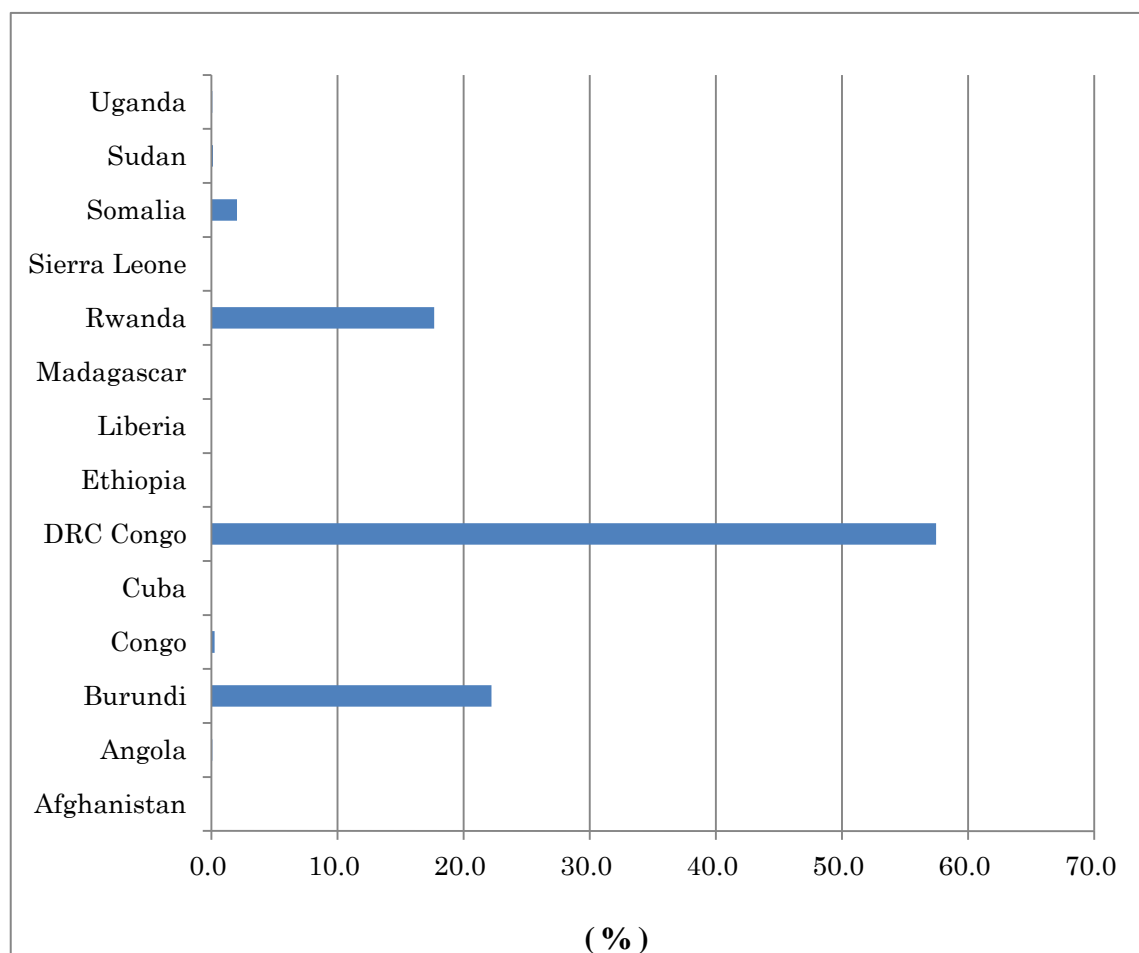


Figure 6.2: Refugees by origin in Mozambique, 2012.<sup>124</sup>

Refugees arriving in Mozambique from Somalia, Sudan and Ethiopia start their trip from Kenya travelling by sea in boats carrying around 80 to 120 persons. From Kenya, they travel to Tanzania near the Ilha do Rovuma, where they change boats and through the payment of 50 to 100USD, Tanzanian fishermen take the refugee to the Mozambican border. In order to avoid

<sup>124</sup> The data presented here is regarding to the number of refugees that were officially recognized according to the 1951 Refugee Convention and possesses the respective identification card. It does not include asylum seekers residing in the country.

detection by governments authorities refugees enter Mozambican territories through the jungle and natural conservation areas until reaching the district of Palma. There have been reports of refugees that have been attacked and killed by wild animals such as lions, Hyenas and Snakes during their trip to Mozambique.<sup>125</sup>

### **6.3.2. The evidence in RSD**

As explained previously, refugees are defined in international law according to the 1951 Refugee Convention and the 1967 Protocol on the same subject. However, the decision on refugee recognition depends on each state's regulations. Nevertheless, even though refugee status determination process and mechanisms vary considerably from country to country, there are particular trends and patterns that are especially observed in the developed and developing world.

The UNHCR categorized the decisions on refugee status determinations into: a) Positive, when the applicant is recognized or given complementary protection as a refugee; b) Rejected; c) Otherwise closed as mentioned before. In the case of Mozambique, the decision "otherwise closed" are endorsed, mainly when the applicant does not attend the RSD interview and is deemed to have abandoned the refugee claim, in other words, when the applicant for some reason can't be physically present to continue with the procedures towards a final decision on refugee status determination. The Figure 6.3 shows the main decisions on refugee status determinations in two different southern African countries (Mozambique and Zimbabwe) which share borders with a same country (South Africa).

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<sup>125</sup> This information is based on the interviews conducted to refugees in the refugee center of Maratane.

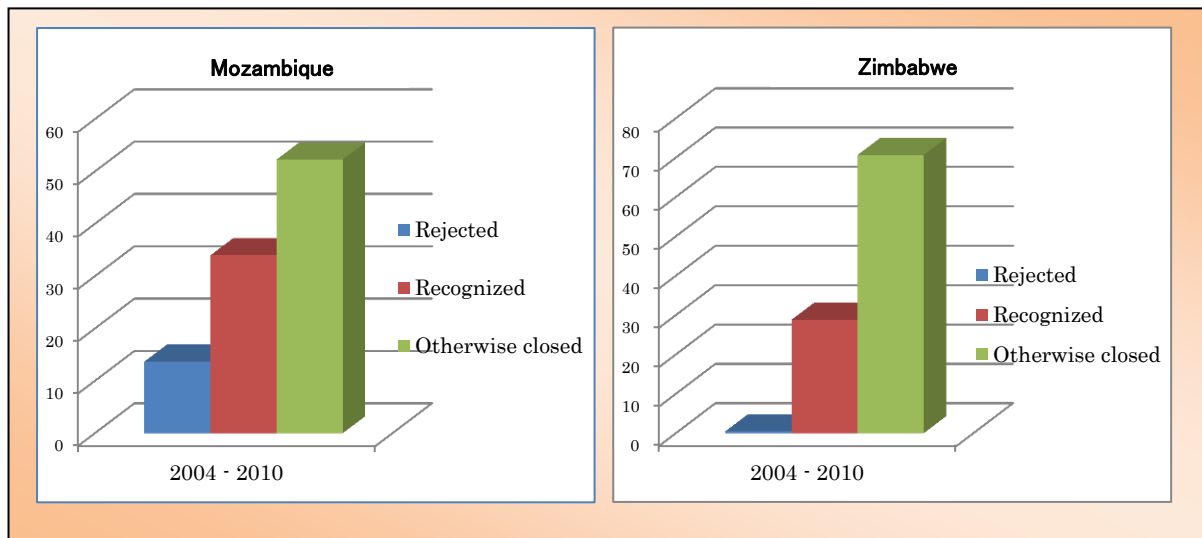


Figure 6.3: Refugee status determination in Mozambique and Zimbabwe (2004-2010)

In most of the developing countries like Mozambique and Zimbabwe, “otherwise closed” cases represents the major decision for refugees status determination. This situation is due to the fact that a very large group of refugees apply for asylum without any intention of staying in the country for a long term. These countries are used as a bridge for transit to another location. The application for asylum is just a mere procedure that provides legal capability for asylum seekers to stay in the country and rearrange their onwads travel process, or simply pass through. Therefore, after staying for a short period of time, the asylum seekers abandon the country or the refugee camp on their way to the next location. At a certain stage during the procedures and diligences for RSD, the asylum seeker can no longer be found and the process for asylum will be “otherwise closed”. As explained before, for the case of refugee movement towards the Southern part of Africa, it is very often argued that the final destination is South Africa. The statement of a Somali refugee in Mozambique also supports this argument:



My trip from Somalia to Mozambique took 21 days by sea. We arrived in Mozambique and then we went to the refugee center of Maratane. After two weeks, me and some friends abandoned the Center and I went to South Africa and I lived there for one year. But now I came back to Mozambique because many foreigners were being attacked in South Africa and it was difficult to keep business there.<sup>126</sup>

Additionally, According to local statistic from Maratane Refugee Camp and local media, in 2010 more than 6000 refugees vanished from the Maratane Refugee Center in Mozambique. Local authorities could not explain their whereabouts or how did they disappear from the center.<sup>127</sup> Moreover, in February 2011, 8 Ethiopian refugees died by suffocation inside a closed container truck when they were travelling towards the south part of the country after illegally fleeing the refugee center in Mozambique, and the intended destination was South Africa.<sup>128</sup> These events strongly point out a relationship between disappearance of refugees, the decisions on refugee status and the movement towards South Africa.

In this perspective, “otherwise closed” cases provide an important indicator to identify countries that are being used as temporary shelter along the road to a final destination. In the Figure 6.4 the situation of refugee status determination in South Africa from 2004 to 2010 is shown, but and the figure is clearly elucidative in comparison with Zimbabwe and Mozambique which are neighboring countries of South Africa. Since refugees leave the third country of asylum trough

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<sup>126</sup> Interview with a refugee from Somalia, Nampula, 24 March 2013.

<sup>127</sup> Portal do Governo de Moçambique, 2011.

<sup>128</sup> Portal do Governo de Moçambique, 2011.

informal procedures, it is most likely that their entrance into the intended final destination will also follow informal procedures.

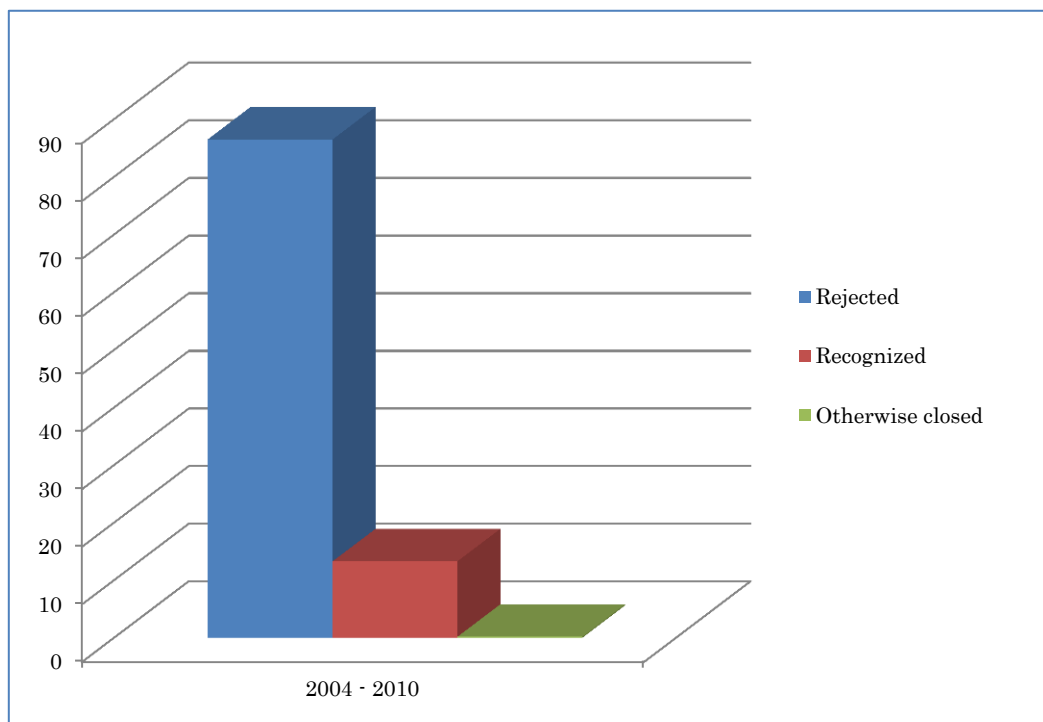


Figure 6.4: Refugee status determination in South Africa (2004-2010)

The Figure 6.4 suggests that unlike Mozambique and Zimbabwe, South Africa is the final destination for the majority of refugees moving downwards towards the Southern African region. The evidence can be found in the analysis of otherwise closed cases which represents the lowest share in the decision for refugee status in South Africa. In comparison with Mozambique and Zimbabwe, most of the processes for refugee status determination in South Africa follow the normal procedures until the final decision which will be mainly positive or rejection. This is mostly due to the fact that in general the applicants do not tend to move to a different country after reaching South Africa. From this perspective, the movement of refugees in the Southern part of Africa seems to converge on a same point regarding to the final destination which is South Africa. The analysis of pattern and trends of asylum applications to Mozambique and

Zimbabwe in 2010 supports this point of view. A considerable proportion of asylum applications for Mozambique and Zimbabwe are originated from the same regions (DRC, Rwanda and Somalia). Additionally, the trends of asylum applications for those countries almost follow the same pattern over time. The quantitative analysis shows that from 2004 to 2007 there was a tremendous increase in application for asylum in both countries. However, from 2008 the number of application dropped slightly, until mid 2009 and from then to 2010 it regained a positive trend.

Some African countries, even though they don't share borders with countries in conflict, are influenced by the same factors regarding to the movement of refugees. The most important factor is their geographical location on the route to a highly favored country for refugees. In this perspective, the influx of refugees or the trends in asylum applications might represent a virtual intention of asylum and a real purpose to move to another location.

#### **6.4. Mozambique response to refugee movements**

The Mozambique response to refugee movements or issues can be divided in two categories: (1) On a policy level referring to legal base for granting asylum and protection for refugees ; (2) On a practical level regarding to specific actions executed to address refugee issues.

Table 6.1: Chronology of main events related to refugees in Mozambique

<b>N/O</b>	<b>Instrument</b>	<b>Year of Ratification(r)/Approval(a)/ Creation(c)</b>
1	1951 UN Convention Relating to the Status of Refugee	1983r
2	1967 UN Protocol Relating to the Status of Refugee	1989r
3	1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa	1989r
4	law nr 21/91 of December 31 <sup>st</sup> , referring to procedural mechanisms on requests for refugee status	1991a
5	National Institute for Support to Refugees	2003c
6	Decree nr 33/2007 of August 10 <sup>th</sup> on the regulation for the law 21/91	2007a

Mozambique has shown positive attitude towards protection of refugees. The incorporation of refugee issues in domestic legal framework as well as the creation of institutions represent the commitment of the Government to the refugee cause. However, there is still a long way to go towards a more effective practice addressing refugee issues.

#### **6.4.1. The integration of refugee protection on a domestic legal framework**

The Government of Mozambique, in order to bind to issues regarding refugees, adhered to the UN Convention of 1951 and the 1967 Protocol relating to Status of Refugee<sup>129</sup>, as well as the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.<sup>130</sup>

Upon accession to the 1951 Convention, Mozambique has made reservations in the following areas:

- movable and immovable property - article 13;
- right of association - Article 15;
- wage-earning employment - article 17;
- Liberal Professions - article 19;
- Public education - article 22;
- Freedom of movement - art 26;
- Naturalization - Article 34.

It is important to notice that at the time of ratification and formulation of reservations, Mozambique was going through a moment of Civil War.<sup>131</sup> Besides that, it was a one party state with the main decision centralized on the government.<sup>132</sup> These facts might have caused some influence in the formulation of reservation with focus to national security and limitation of freedom.

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<sup>129</sup> The 1951 Convention was ratified on December 16<sup>th</sup> of 1983, and the 1967 Protocol on May 1<sup>st</sup> 1989. For more details see <http://www.unhcr.org/3b73b0d63.html>

<sup>130</sup> The 1969 OAU Convention was ratified on February 22<sup>nd</sup> of 1989. For more detail see <http://www.africa-union.org/root/au/documents/treaties/treaties.htm>.

<sup>131</sup> The Civil war in Mozambique lasted for 16 years, from 1976 to 1992. see Romao *et al* (1998).

<sup>132</sup>. See Cabrita (2003).

In order to implement the referred conventions and Protocol, through the law No 21/91 of December 31<sup>st</sup>, Mozambique established the procedural mechanisms to guide the formalities to be complied regarding to requests for refugee status, from the submission of the application until the final decision. Furthermore in 2003, through Decree 51/2003, it was created the National Institute for Support to Refugees which is subordinated to the Ministry of Foreign Affairs and Cooperation. The prime objective of the Institute is to receive and accommodate the candidates to refugee status and refugees. Four years later, it was approved the decree nr 33/2007 of August 10<sup>th</sup> on the regulation for the process of refugee status attribution, which also aims at the intervention coordination of national institutions regarding to support and assistance to refugees.

The legal status of refugee regarding to rights and duties is not yet clearly defined in national law. In the article 5.1 of the law nr 21/91 mentioned above, it is stated that:

“Refugee, in principle, have the same rights and duties of a foreigner residing in the Republic of Mozambique, and must comply with the legislation in use in the country, including any instructions related to public order, and avoid any activity against foreign country”<sup>133</sup>.

The same article on the second paragraphs attempts to provide a clear view on the rights of refugees and it states that:

“Refugees will benefit from any rights non applicable to foreigners in general, but within the UN Convention on Refugees of 1951, considering the reservations made by Mozambican Government”

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<sup>133</sup> This article was translated into English by the author and was originally written in Portuguese language.

The paradox is that the law referring to the status of foreigner residing in Mozambique was created in 1993 and it is clear about the rights and duties of foreigners in Mozambique.<sup>134</sup>

The foreign citizen residing or found in national territory enjoys the same rights and guarantees and is subject to the same obligations as a national citizen in Mozambique

The laws involving foreigners and refugees are unclearly entangled in such way that provides a wide gap for maneuver in order to apply or not to apply the rights to refugees.

#### **6.4.2. “Turning a blind eye”**

In the Mozambican legal framework for protection of refugees, there are two significant aspects that one must consider. First, Mozambique has made a significant number of reservation to the 1951 Refugee Convention which allows the country to exclude or modify the legal effect of the provisions presented by the articles subjected to the reservations. Second, the Mozambican refugee is constructed through a series of ambiguity regarding the rights of refugees. In such legal setup, refugees are vulnerable to any intervention from the part of the government to dictate the future or current direction of their lives. However, in some cases the Mozambican government seems to “turn a blind eye” and “allow” refugees to live their lives with full rights as an ordinary foreign citizen.

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<sup>134</sup> See the article 4 of the law 5/93 of December 28 regarding to the rights and duties of foreigners residing in Mozambique.

A significant part of refugee residing outside of the refugee center is engaged in commercial activities in their self-owned shops or simply working as staff member in commercial establishments. For example, in the City of Maputo, it is common to find refugees working in commercial centers of Hulene, Laulane, Compone and Praça de Touros. Some other refugees are regularly employed as teachers of French and English in private school in Maputo city. Some other refugees are enrolled in public schools and university.

### **6.4.3. The Refugee Center of Maratane**

*Brief overview of the center.*

The refugee center of Maratane is located in the northern Mozambican province of Nampula. The center is part of the district of Nampula (same name as the province and its capital city) and it is located 20km away from the Nampula city which is the third largest city in Mozambique. This district is located approximately at the center of the province, occupying a surface of 3,650 km<sup>2</sup> with a population of 127,681 and population density of 41.5 habitants/km<sup>2</sup>.<sup>135</sup> The refugee center of Maratane belongs to the administrative post of Rapale which has a total population of 50,558.

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<sup>135</sup> The information on the population refers to the population census conducted in 1997.



Table 6.2: Situation of water, electricity and toilet per household in the district of Nampula

Basic need	Household (%)
Electricity	0 %
Water	0%
Toilet	15%

Source: National Institute of Statistics of Mozambique, census of 1997

The refugee population in the center integrates a Refugee Committee, which is the body that establishes the link between refugees, government institutions through the Refugee Support Institute (INAR) and UNHCR (UNHCR). This committee consists of 10 members representing each of the nationalities of refugee in the center. The main goal of the committee is the defense of the interests of refugees.

The housing in the refugee center is characterized by an existing mixture in the types of building which includes building made of concrete and other made from local natural material such as reed, tree branches and clay. Some other refugees live in tents. Few houses are built with brick which gives the center different architecture compared to the refugee centers in surrounding countries such as Tanzania, Zimbabwe and Malawi where most of the residences are built with local material or tents.

## **6.5. The entanglements between the Ministry of Interior, UNHCR and the National Institute for the Assistance of refugees and the international aid for refugees in Mozambique**

One of the main problems affecting the refugee center is food scarcity. The Food aid is provided by the UNHCR and its distribution is managed by the INAR at the refugee center of Maratane. Since the food is not enough for all refugees, additional support is provided by CEMIRDE on the behalf of the Catholic Church. The food support is done in form of direct delivery of specific aliments such as beans, rice, peanuts, corn flour, cooking oil , sugar and Salt. Despite the food emergency situation at the refugee center of Maratane, the World Food Programme (WFP) reduced the food support in 50% in 2012 allegedly because of lack of funds

### **6.5.1. The pathways towards refugee status determination**

The Mozambican framework for granting asylum and protection of refugees is characterized by a centralized core of decision and rigidity, especially in process for RSD.

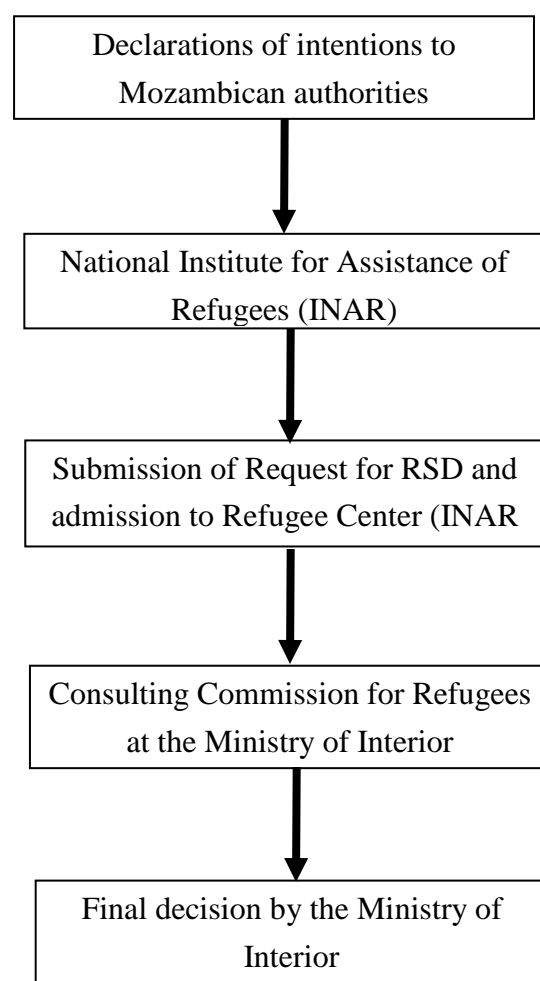


Figure 6.5: The pathways towards of RSD in Mozambique.<sup>136</sup>

Usually, the starting point is the entrance of refugees in Mozambican territory through different point according to the mean of transportation used – by sea, by airplane, by vehicles or on foot. The most common point of entry is through the borders located in the northern provinces of Cabo Delgado, Niassa and Tete. Immediately after entering in Mozambican territory, refugees must declare their intentions to the first Mozambican authority that they meet. The authority can

<sup>136</sup> The figure was prepared by the Author based on the Decree nr 33/2007, 10 August. Republic of Mozambique.

be a police officer, migration officer, border patrol, and others. After receiving the request or declaration, the authorities immediately send it to the National Institute for assistance of refugees (INAR) which is an institution subordinated to the Ministry of Foreign Affairs and Cooperation. INAR is in charge of assisting refugees and coordinate actions towards protection of refugees. At INAR, the request for refugee status is made in writing. The candidates are given a temporary identification document and then admitted to the refugee center. INAR begins the process for of interview and diligences required for RSD, after 90-120 days, the finalized process and recommendations are sent to the Consulting Commission for Refugees (CCR) at the Ministry of Interior. The CCR analyzes the process and send it with the final recommendation to the Minister of Interior for final decision on RSD.

One of the constrains in this process is that is has too many instances for analysis and decisions on RSD. Moreover, it has a gap in the timeframe for process analysis and decisions. The only instance with a deadline legally established is the INAR, where process must be conducted within 90 to 120 days. For the CCR and the Minister of Interior, there are no timeframes legally stipulated for the decisions on RSD. Thus it can take years which will be reflected in the protracted refugee situation.

Considering the large volume of asylum requests, it is important to have a more expedite process regarding the final decision on RSD process. In Uganda, for example, the final decision on RSD is made by the Refugees Eligibility Committee within 90 days after receiving the process.<sup>137</sup> In South Africa, the structure is almost similar, with the final decision take by the Status Determination Committee.<sup>138</sup>

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<sup>137</sup> See Uganda Refugee Act, 2006.

<sup>138</sup> See South Africa Refugee Act of 1998 and the Amendments of 2011.

## **6.6. Summary**

This chapter examined the refugee situation in Mozambique. It tackles their motivation to move, life conditions in Mozambique and the country response to refugee issues. In general it is assumed that migrants seek a “green pasture,” with highly developed human conditions, in other words countries with higher human development index. However, the UNHCR statistical data shows that choice of refugees is different from that situation. The results presented in this study illustrate that the proportion of number of asylum seekers to country’s population is remarkably high in countries like Mozambique and Burundi, which are the lowest rankers in the order of the human development index. This is in contrast with Japan and Mexico for example, in which the above proportion is remarkably low while having the highest level for the human development index.

There are two approaches to analyze the applications for asylum and the movement of refugees. First, as it is widespread argued, the location of the country of destination in the condition of neighboring country to the place of origin of refugees, plays an important role in the refugee flow. Second, for the case of non-neighboring countries which are preferred destination of refugees, it is important to consider that some applications for asylum might represent a virtual weight in the total number of applications for asylum, and thereafter provide unreal trends regarding the movement of refugees. The study shows that ‘otherwise closed’ cases, as one of the categories in the refugee status determination process, provides an important indicator in identifying countries that are being used as a temporary shelter along the road to a final destination. In the case the Southern African region, refugees prefer to migrate to countries which provide “safer sanctuary” and opportunities for better life in neighboring countries.

Regarding to the refugee policy, the study concludes that the Mozambican legal framework for refugee protection is conceive and operates in such way that hinders the freedom and rights of refugees creating a restrictive environment that allows controlling refugee movements and actions in the country. This is mainly attributed to the complex bureaucracy and unclear mechanisms to address refugee issues.

## **CHAPTER 7 – CONCLUSION**

The aim of this study was to contribute to the knowledge about refugees and the relation with human security with specific focus upon the Southern African region. Thus, this thesis has primarily explored the human security issues of refugee movements starting from a global perspective and then highlighting the situation of Southern Africa. It has also investigated the particular case of refugees' lives in hosting country through the additional field research carried out in Mozambique. The study involved the analysis of two questions presented in the Chapter 1: (1) what factors determines the movement of refugees towards destinations where their human security condition is aggravated? (2) What factors influence the human security condition of refugees in the country of asylum? The major findings from the research are given below:

### **7.1. Refugees and the relation with human security**

Some authors argue that human security framework is not a useful analytical and practical framework to address refugee issues.<sup>139</sup> However, this study illustrates that human security is attached to refugee issues because it is transversal factor in all the threats to the lives of refugees on the move or in the country of asylum. Freedom from fear and freedom from want cannot be separated when addressing or analyzing refugee issues from a security point of view. The lives of refugees are based on a fragmented structure of freedom from fear and freedom from want. Nevertheless, the perception of refugees, whether as threats or victims, dictates the outcome of the efforts addressing refugee issues.

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<sup>139</sup> See summary of Chapter 3.

## **7.2. Refugee movements in developed and developing countries**

The vast majority of refugees in the world are located in developing countries of Africa and Asia (Table 3.2 and 3.3). However, looking into the intended destination countries for asylum based on the asylum applications lodged by asylum seekers, it is clear that the larger number of asylum seekers intend to be hosted in developed countries (Figure 3.7). Even though, countries are bound through international law to protect refugees, in most of developed countries higher numbers of refugees are denied asylum (Figure 3.9) and bigger efforts are placed in ineffective burden sharing schemes to perpetuate the permanence of refugees in developing countries. These schemes consist mainly in providing financial support to developing countries instead of hosting refugees, as it was demonstrated in section 3.6 of chapter 3 regarding to the failure of the “Pacific Solution” implemented by the Australian government from 2001 to 2007.

In the group of developing countries the patterns of refugee movements will vary according to their region of origin, whether in Africa, Europe, Asia or the Americas. Within the African continent, 61% of asylum seekers move to a neighboring country on the same level of development (poor countries with HDI value between 0.2-0.5) while in the other region less than 5% of asylum seekers move to neighboring countries. The majority of asylum seekers from more developed regions of Europe and Asia move to a non-neighboring and more developed country (Figure 3.6). The pattern of movements of asylum seekers in Europe, Asia and the Americas suggests that economic factor is the main variable pulling and pushing the asylum seekers from poorer countries to richer countries, since the majority of asylum seekers from these regions move to a highly developed country with a different official language (Figures 3.4 and 3.5). The majority of these people seeking asylum are “bogus” refugees and the movement to distant countries, as discussed in Chapter 3, is a call for alert to these situations. In these cases, economic migrants are mixed with genuine refugees creating a situation which overwhelms the



process for RSD with negative impact in both genuine and "bogus" asylum seekers. The situations of genuine refugees can be described in terms of "freedom from fear" and "freedom from want" as demonstrated in Chapter 2 (Figure 2.1). However, in the case of "bogus" refugees "freedom from want" is the main condition behind their flight in search for asylum.

### **7.3. Refugee Movements in Southern Africa**

Refugee movements in Africa are singular and the OAU Refugee Convention (1969) is an evident illustration of the peculiar aspects of refugee issues in Africa which are distinct from refugee movements and issues in other parts of the world. Additionally, refugees in Africa played essential roles in conflict and peace whether in the country of origin or in the country of asylum, thus influencing the state of security on a regional level (Figure 4.5). The Great Lakes Refugee crisis is described in section 4.5 of Chapter 4 is a clear example of refugee influence on national and regional security

Judging by the origin of refugees in the African continent, southern African region is the safest region in Africa because it produces the smallest number of refugees in the continent (Figure 5.3). Moreover southern African countries are experiencing rapid economic growth comparatively with other African countries. These two elements jointly act as a pull factor for refugees moving downwards towards Southern Africa.

The study shows that 'otherwise closed' cases, as one of the categories in the refugee status determination process, provides an important indicator in identifying countries that are being used as a temporary shelter along the road to a final destination (Table 5.2). In the case the Southern African region, refugees prefer to migrate to countries such as Mozambique, Zimbabwe, Botswana and Namibia because these countries provide a "safer sanctuary" and

opportunities for better life in neighbouring country such as South Africa (Figure 5.4). The fieldwork conducted in Mozambique, especially through the interviews and data collection in the Refugee Center of Maratane as explained in Chapter 6, confirms this reality (Figure 6.1 and 6.3). Additionally Regarding to the refugee policy, the study concludes that the Mozambican legal framework for refugee protection is conceive and operates in such way that hinders the freedom and rights of refugees creating a restrictive environment that allows controlling refugee movements and actions in the country (Figure 6.5).

#### **7.4. Epilogue**

This study analyzed the movement of refugees in Southern Africa and the related human security issues. It started from a general overview of refugee situations in the world divided into developed and developing countries and regions. It noted that the majority of refugees are hosted in developing countries, however wishing to move to more developed locations. Regardless, refugees from poorer countries move to poor countries with similar level of development, while those from richer countries move to developed countries. Attached to the movement of refugees are their needs in terms of human security which will depend on the attitude of hosting Government and community towards refugees, whether they are perceived as threats or as victims. In order to better address to human security issues of refugees in developing regions such as Southern Africa, it is important to understand the dynamics of refugee movements in the region. This study points out to the existence of “sanctuaries” for asylum seekers moving towards South Africa. This situation produces a negative impact in the efforts to address human security issues of refugees because the policies and action plans cannot produce the expected results due to the irregular movements of refugees.

It is important to understand that refugees are a global phenomenon. Their movements produce impacts that affects developed and developing countries worldwide. Thus, the protection of refugees should be developed and implemented by all intervening parts in the procedures towards their support, through interconnected actions and equitable sharing of responsibilities.

## **APPENDIX**

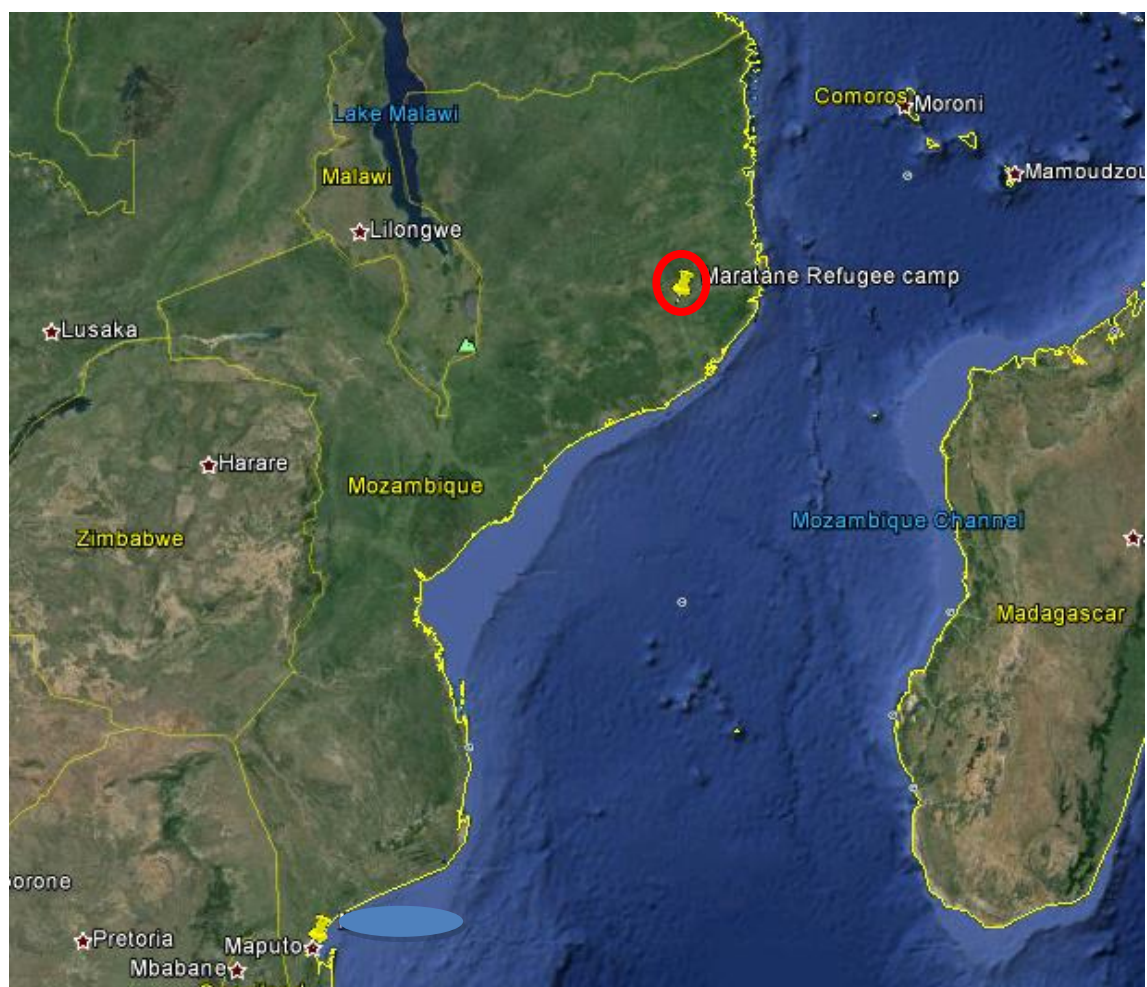
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## Appendix A: Countries of Southern Africa



Source: Google Earth

## Appendix B: Maratane Refugee Center in Mozambique



Source: Google Earth

### Appendix C: Interview guide - Refugees<sup>140</sup>

Date:

Place:

Interviewer:

Refugee Origin

Sex:

Time residing in Mozambique:

1. Could you tell me why did you chose to come to Mozambique?
  
  
  
  
  
  
  
  
  
  
2. Could you please describe your trip from your country to Mozambique?
  
  
  
  
  
  
  
  
  
  
3. What do you think about the conditions in Mozambique?
  
  
  
  
  
  
  
  
  
  
4. What are your expectation for the future?

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<sup>140</sup> Originally in Portuguese, here translated by the author into English

Appendix D: Interview guide – UNHCR/INAR/MINT<sup>141</sup>

Date:

Place:

Interviewee occupation

1. What are the problems that the country face related to refugees?
2. What are the constraints in the response to refugee problems?
3. Could you please describe the relationship between the institutions addressing refugee issues in Mozambique?
4. How is the relationship between the countries in the region regarding to refugee issues?
5. What is the international involvement in Mozambique refugee issues?

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<sup>141</sup> Originally in Portuguese, here translated by the author into English



Appendix E: List of research sites in Mozambique (March 7<sup>th</sup> to March 30<sup>th</sup>, 2013)

Maputo Province

1. United Nations High Commissioner for Refugees
2. University Eduardo Mondlane
3. National Institute for Refugee Assistance (INAR)
4. Ministry of Interior
5. Migration Services
6. CEMIRDE

Nampula Province

7. United Nations High Commission for Refugees
8. National Institute for Refugee Assistance
9. Police Headquarters for the Province of Nampula
10. Refugee Center of Maratane

Appendix F: List of countries used in the Figure 1.2 and the level of popularity

Country	Asylum seekers per country's population (Log10)
Afghanistan	1.05
Albania	1.57
Algeria	2.20
Angola	1.88
Argentina	2.29
Armenia	2.34
Australia	3.69
Austria	4.12
Azerbaijan	2.55
Bahamas	1.46
Bangladesh	0.13
Belarus	2.45
Belgium	4.48
Belize	2.86
Benin	2.18
Bolivia	1.68
Bosnia and Herzegovina	2.09
Botswana	2.58
Brazil	1.75

Appendix F (Continued)

Bulgaria	3.13
Burkina Faso	1.40
Burundi	4.11
Cambodia	1.66
Cameroon	3.26
Canada	3.82
Central African Rep.	3.44
Chad	1.93
Chile	2.18
China	0.09
Colombia	1.55
Congo	3.43
Costa Rica	3.33
Cote d'Ivoire	2.09
Croatia	2.91
Cuba	1.31
Cyprus	4.77
Czech Rep.	3.12
Denmark	3.95
Djibouti	3.08
Dominican Rep.	0.48
Ecuador	4.34

Appendix F (Continued)

Egypt	2.57
El Salvador	1.95
Eritrea	0.98
Estonia	2.35
Ethiopia	2.73
Fiji	1.37
Finland	3.87
France	4.09
Gabon	2.30
Gambia	1.61
Georgia	2.17
Germany	3.77
Ghana	1.88
Greece	4.02
Grenada	2.46
Guatemala	1.02
Guinea	2.80
Guinea-Bissau	2.46
Haiti	0.00
Hungary	3.32
Iceland	3.35

Appendix F (Continued)

India	1.60
Indonesia	2.21
Iraq	2.42
Ireland	4.04
Islamic Rep of Iran	0.96
Israel	3.28
Italy	3.22
Japan	2.22
Jordan	3.76
Kazakhstan	2.52
Kenya	3.70
Kuwait	3.13
Kyrgyzstan	3.02
Latvia	2.44
Lebanon	3.69
Liberia	1.24
Libya	3.43
Liechtenstein	4.50
Lithuania	3.05
Luxembourg	4.21
Malawi	3.58
Malaysia	3.96

Appendix F (Continued)

Mali	1.47
Malta	3.87
Mauritania	2.91
Mexico	1.96
Montenegro	2.15
Morocco	2.59
Mozambique	3.09
Namibia	3.16
Nepal	1.21
Netherlands	3.96
New Zealand	3.07
Nicaragua	2.32
Niger	1.06
Nigeria	1.76
Norway	4.67
Oman	2.28
Pakistan	1.73
Panama	3.23
Papua New Guinea	0.64
Paraguay	1.30
Peru	2.00
Philippines	0.51

Appendix F (Continued)

Poland	3.23
Portugal	2.18
Qatar	2.32
Romania	2.62
Russian Federation	2.44
Rwanda	0.93
Saudi Arabia	0.98
Senegal	2.18
Serbia	3.04
Sierra Leone	0.83
Slovakia	3.00
Slovenia	3.08
South Africa	5.26
Spain	2.77
Sri Lanka	1.69
Sudan	3.57
Suriname	2.13
Sweden	4.68
Switzerland	4.30
Syrian Arab Rep	3.21
Tajikistan	3.09
Thailand	2.39

Appendix F (Continued)

Timor-Leste	1.24
Togo	1.84
Tonga	2.46
Trinidad and Tobago	2.21
Tunisia	1.70
Turkey	3.20
Uganda	3.67
Ukraine	2.77
United Arab Emirates	2.77
United Kingdom	3.81
United Rep. of Tanzania	1.99
United States	3.14
Uruguay	1.80
Venezuela	3.08
Yemen	3.19
Zambia	2.79
Zimbabwe	2.89



Appendix G: List of countries used in Figures 5.12 and 5.13 and the level of popularity based on GDP

Country	Country GDP per capita PPP (constant 2005 international\$)	Asylum seekers / GDP
Angola	5048	2.5
Botswana	13013	1.8
Malawi	774	4.9
Mozambique	805	4.6
Namibia	6092	2.7
Zambia	1370	3.8
South Africa	9,516.45	5.3

Appendix H: List of countries used in Figure 5.14 and the level of popularity based on the GDP

Country	Country GDP per capita PPP (constant 2005 international\$)	A.S / GDP
Austria	35,201	3.5
Belgium	32,842	3.9
Bulgaria	11,506	2.9
Croatia	15,917	2.3
Cyprus	25,198	3.4
Czech Republic	23,620	2.8
Denmark	32,379	3.2
Estonia	16,611	1.2
Finland	31,322	3.1
France	29,522	4.4
Germany	33,512	4.2
Greece	23,999	3.7
Hungary	16,958	3.1
Ireland	36,786	3.1
Italy	27,059	3.6
Latvia	12,948	1.7
Lithuania	15,535	2.4

Appendix H (Continued)

Malta	22,697	2.1
Netherlands	36,888	3.6
Poland	17,372	3.6
Portugal	21,780	1.9
Romania	10,715	2.9
Slovakia	20,121	2.4
Slovenia	25,053	2.0
Spain	26,908	3.0
Sweden	34,125	4.1
United Kingdom	32,766	3.9

Appendix I: List of developed and developing countries used in the Figure 3.8 and level of popularity based on HDI

<b>Very High HDI</b>	<b>Level of popularity</b>
Austria	4.12
Australia	3.69
Belgium	4.48
Canada	3.82
Czech Rep.	3.12
Denmark	3.95
Estonia	2.35
Finland	3.87
France	4.09
Germany	3.77
Greece	4.02
Hungary	3.32
Iceland	3.35
Ireland	4.04
Italy	3.22
Japan	2.22
Luxembourg	4.21
Malta	3.87
Netherlands	3.96

Appendix I (Continued)

New Zealand	3.07
Norway	4.67
Poland	3.23
Slovakia	3.00
Portugal	2.18
Qatar	2.32
Spain	2.77
Sweden	4.68
Switzerland	4.30
United Arab Emirates	2.77
United States	3.14
<b>Low HDI</b>	<b>Level of popularity</b>
Afghanistan	1.05
Angola	1.88
Bangladesh	0.13
Benin	2.18
Tanzania	1.99
Burkina Faso	1.40
Burundi	4.11

Appendix I (Continued)

Cameroon	3.26
Chad	1.93
Congo DRC	1.65
Cote d'Ivoire	2.09
Djibouti	3.08
Yemen	3.19
Ethiopia	2.73
Guinea	2.80
Kenya	3.70
Liberia	1.24
Malawi	3.58
Mali	1.47
Mauritania	2.91
Mozambique	3.09
Nepal	1.21
Niger	1.06
Nigeria	1.76
Rwanda	0.93
Senegal	2.18
Uganda	3.67
Zambia	2.79
Zimbabwe	2.89

Appendix J: Distance between country of origin and destination of asylum seekers (Figure 3.6)

Country of origin	Country of destination	Distance (in km)
Afghanistan	Germany	2,971
Armenia	France	2,134
Bosnia and Herzegovina	Italy	330
Burundi	Malawi	793
Cameroon	South Africa	2,356
Central African Rep.	Cameroon	489
Chad	Cameroon	619
Congo	France	3,756
Democratic Rep of Congo	Burundi	972
El Salvador	USA	1,896
Eritrea	Sudan	428
Ethiopia	Kenya	722
Ghana	South Africa	2,900
Guatemala	USA	1,870
Guinea	France	2,876
Georgia	France	2,094
Haiti	France	4,576
Iraq	Germany	2,029
Lebanon	Germany	1,689
Liberia	Guinea	297
Malawi	South Africa	923
Mauritania	France	2,361
Mongolia	Sweden	3,445
Republic of Moldova	USA	1,229
Serbia	Sweden	1,008
Sri Lanka	France	5,297
Syrian Arab Rep	Germany	1,736
Sudan	Kenya	1,202
Turkey	France	1,615
Zimbabwe	South Africa	579

## Appendix K: Paper presentations and publications

### 1. Papers presented at Conferences

Abreu, Cremildo. 2013. "Human Security Issues and Refugee Movements in Southern Africa: Mozambique, a Short Stop along the Way". Paper presented at the 3<sup>rd</sup> Annual Conference of Japan Association for Human Security Studies, Keio University, Tokyo, Japan, 22 September 2013

Abreu, Cremildo. 2012. "Refugees and Human Security: A Framework for Analysis". Paper presented at the 2<sup>nd</sup> Annual Conference of Japan Association for Human Security Studies, Aichi University, Nagoya, Japan, 30 September 2012

### 2. Journal article

Abreu, Cremildo. 2013. "Human Security Issues and Refugee Movements in Southern Africa: Mozambique, a Short Stop along the Way". *Journal of Human Security Studies*, Vol.2, No.2, pp. 153-171. Available at: [http://www.jahss.org/journals/JOHSR\\_vol2-2.pdf](http://www.jahss.org/journals/JOHSR_vol2-2.pdf)



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